

FILE: GAMEB

Cf: [GAMD](#), [GAMEA](#)

## SUBSTANCE ABUSE AND TESTING

### FOR HOLDERS OF COMMERCIAL DRIVERS LICENSES

The Jefferson Davis Parish School Board is dedicated to the health and safety of all employees. Drug and/or alcohol misuse may pose a serious threat to employee health and safety. As drug and alcohol abuse has been recognized by the federal government, the Federal Motor Carrier Safety Administration (FMCSA) within the U.S. Department of Transportation (DOT) has issued regulations which require the School Board to implement an alcohol and controlled substances testing program, which is designed to help prevent accidents and injuries resulting from the misuse of alcohol and/or of controlled substances by School Board employees who drive commercial motor vehicles.

### RESPONSIBILITY

All School Board employees who operate commercial motor vehicles that require a commercial DOT employee's license under [49 CFR Part 383](#) are subject to federal transportation drug and alcohol regulations, [49 CFR Part 382](#) and provisions of this policy.

In accordance with [49 CFR 382.601](#)(a), the School Board shall provide educational materials that explain the requirements in Part 382 and the School Board's policies with respect to meeting these requirements. The School Board shall ensure that a copy of these materials is distributed to each applicable employee prior to the start of alcohol and controlled substances testing and to each employee subsequently hired or transferred into a safety-sensitive function position which involves driving a School Board-owned or contracted commercial vehicle, whether or not in a full-time or part-time capacity.

### APPLICABILITY

This policy applies to all present and future employees of the Jefferson Davis Parish School Board who are required to obtain and maintain a commercial driver's license (CDL) in order to operate an owned or leased vehicle to perform their job duties. The testing requirements apply to driver-applicants, driver-employees, and contract- or leased- drivers. This policy shall also be applicable to contract drivers, volunteers, auxiliary personnel employed by or representing the School Board when driving a School Board vehicle or while on School Board business.

All CDL drivers shall also be subject to the provisions contained in policy [GAMEA, Substance Abuse and Testing –](#)

[General Employees.](#)

DEFINITIONS

1. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
3. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
4. Covered vehicle means a motor vehicle to include any school bus and other vehicles, as defined by law and [49 CFR. 382.107](#) as amended, the operation of which requires a driver with a commercial driver's license (CDL).
5. Controlled substance is any drug that falls within the guidelines of the *Omnibus Transportation Employee Testing Act* of 1991 and identified in [49 CFR, Section 40.85](#). It includes marijuana (THC), cocaine, opioids, amphetamines, and phencyclidine (PCP). Detection levels requiring determination of a positive result shall be in accordance with the federal guidelines.
6. Confirmation test for alcohol testing means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substances testing a confirmation test means a second drug analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy.
7. Screening Test (also known as Initial Test) in alcohol testing, it means an analytical procedure (Breath Alcohol Test (BAC)) to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

ALCOHOL USE AND POSSESSION PROHIBITED

No driver shall report for duty or remain on duty to operate a school bus or other covered vehicle while having an alcohol concentration of 0.02 or greater. No driver shall be on duty or operate a school bus or other covered motor vehicle while the driver possesses alcohol. No driver shall operate a school bus or other covered vehicle within four (4) hours after using alcohol. No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

- An employee testing 0.02 or higher on an alcohol test shall be immediately removed from performing safety-sensitive functions, referred to a substance abuse professional, and terminated.

### CONTROLLED SUBSTANCE USE PROHIBITED

No driver shall report for duty or remain on duty when he or she uses a non-prescription controlled substance.

- Any School Board employee who fails a random, reasonable suspicion, post-accident, return-to-duty, or test positive for controlled substances shall be immediately removed from performing safety-sensitive functions, referred to a substance abuse professional, and terminated.

A School Board employee applicant who tests positive for drugs or alcohol during a pre-employment test or refused to test shall be denied employment with Jefferson Davis Parish School Board.

A School Board applicant or employee has the right to request a retest of the split specimen, at the employee's or applicant's expense, within seventy-two (72) hours after the notification by the Medical Review Officer (MRO) that the test results are positive.

### REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCE TEST

Any driver who fails or refuses to submit to a post-accident alcohol or controlled substance test required under this policy, a random alcohol or controlled substance test when required, a reasonable suspicion of alcohol or controlled substance test, or a follow-up alcohol or controlled substance test shall be immediately suspended and shall be terminated. An employee shall be subject to immediate termination if the employee refuses to cooperate with any of the enforcement provisions of the policy or is believed to have tampered or purposely tried to alter the outcome of drug and alcohol tests.

### IMPAIRMENT PROHIBITED

No driver shall report for work while under the influence of any drug or controlled substance. A driver may use a substance administered by or under the instruction of a physician who has advised the driver that the substance shall not affect the driver's ability to safely operate a motor vehicle. All CDL operators shall inform the current *DER* (*Designated Employer Representative*) for Jefferson Davis Parish School Board of any therapeutic drug use prior to performing a safety-sensitive function. He/she may be required to present written evidence from a health care professional which describes the effects such medications may have on the employee's ability to perform his/her tasks. Any violation of the policy shall result in immediate suspension of the driver and termination.

## POSSESSION PROHIBITED

No driver at any work site shall possess any controlled substance, lawful or unlawful, with the exception of substances administered by or under the instructions of a physician. *Work site* means any motor vehicle, office, building, yard, or other property operated by the Jefferson Davis Parish School Board, or any other location at which the driver is to perform Jefferson Davis Parish School Board work. *Possess* means to have either in or on the driver's person, personal effects, motor vehicle, or areas substantially entrusted to the driver's control. Any violation of this policy shall result in immediate suspension of the driver and termination.

*Controlled substances* means those substances identified in federal and/or state law.

## TESTS REQUIRED

For purposes of assuring compliance with the federal and state regulations and future amendments and this policy, employee-drivers and new applicants for positions as drivers shall be subject to authorized alcohol and drug screening. *Screening* means testing of breath and/or of urine, or other medical tests, to determine use or impairment.

1. Pre-Employment Testing. Prior to being employed in a driving position, all applicants shall be tested for alcohol and controlled substances. An employee applicant who has tested positive for drugs or alcohol during a pre-employment test or refused to submit to testing shall result in rejection of prospective employees' application and employment.
2. Post-Accident Testing. After any accident involving a covered vehicle, each surviving driver shall be tested for alcohol and controlled substances if 1) a loss of human life occurs; 2) when the driver/employee receives a citation for a moving violation from the police officer handling the accident even if no fatality occurs and one or both of the following occurs: a) an individual involved in the accident must be treated away from the scene for an injury received in the accident, or; b) a vehicle is required to be towed from the scene. Alcohol tests should be administered within two (2) hours following the accident but not more than eight (8) hours following the accident. A controlled substance test is required to be administered within thirty-two (32) hours following the accident. A driver who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing. Failure or refusal to submit to testing shall result in immediate suspension and termination.
3. Random Testing. Jefferson Davis Parish School Board shall conduct random testing which shall be performed in accordance with pertinent federal regulations. At least ten percent (10%) of the School Board's average number of applicable employee positions shall be tested for alcohol each year. At least fifty percent (50%) of the School Board's average number of applicable employee positions shall be tested for drugs each year. The random testing shall be spread reasonably throughout the calendar year. All random alcohol and drug tests shall be unannounced, with each applicable employee having an equal chance of being tested each time selections are made.
4. Reasonable Suspicion Testing. An applicable employee shall submit to testing when a supervisor or other

supervisory personnel, as based upon the required observations for alcohol and/or controlled substances, has reasonable suspicion that an alcohol test or a controlled substance test is warranted.

5. **Return to Duty Testing.** Prior to returning to duty, any employee whose duties require a commercial driver's license who has previously tested positive for an alcohol or a drug test must be tested for alcohol and drugs.
  - A. If an employee has been removed from his/her duties for alcohol misuse, he/she must indicate no more than .02g% BAC on the return-to-duty alcohol test before he/she can resume his/her duties.
  - B. If an employee has been removed from his/her duties for a positive drug test, he/she must undergo a return-to-duty drug test and obtain a verified negative result.
  - C. Besides the return-to-duty test, the employee must also be evaluated by a substance abuse professional and participate in any assistance program prescribed.
  - D. An employee must perform any other requirements designated by the School Board, the Superintendent or the Director of Human Resources.
6. **Follow-up Testing.** If it is determined that an applicable employee is in need of special assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, such employee is subject to unannounced follow-up and/or controlled substance testing as directed by a substance abuse professional.

## TEST RESULTS

Collecting and testing procedures shall conform to all applicable state and federal guidelines and those as prescribed by the U.S. Department of Transportation. All searches, inspections, collections, and maintenance of test records shall be performed with due regard to the individual's privacy. The results of any tests shall be considered confidential, and the information shall only be shared with those having a direct need to know and as may be required to support civil or criminal investigations. As required by federal regulations, only a laboratory certified by the Department of Health and Human Services (DHSS) to perform urinalysis for the presence of controlled substances shall be retained by Jefferson Davis Parish School Board. The laboratory shall be required to maintain strict compliance with federally-approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies. All specimens are required to undergo an initial screen followed by confirmation of all positive screen results.

All test results shall be reviewed by the Medical Review Officer (MRO) to determine whether there is an indication of controlled substance or alcohol use. The Jefferson Davis Parish School Board's MRO shall be the sole custodian of the individual test results. They shall not be released to any additional parties without the tested employee's written authorization. The MRO shall advise the Jefferson Parish School Board's Director of Transportation and all test results and record retention shall be in accordance with pertinent state and federal regulations.

## REHABILITATION

No employee's job shall be placed in jeopardy nor shall any employee be subject to disciplinary action within the policy for voluntarily requesting assistance from alcohol and other drug addictions.

However, a request for assistance immediately prior to or while on an actual drug screen, blood sampling, search or inspection is being made in the work area or after the urine drug screen or sampling has been completed shall not excuse an employee from any violation.

## CONTACT PERSONS

Any employees may contact the Jefferson Davis Parish School Board Director of Transportation for information concerning this policy and for any educational materials concerning alcohol and controlled substance misuse. The Transportation Director shall obtain and provide information as to substance abuse professionals (SAP) available in the community. The Jefferson Parish Director of Human Resources shall provide necessary training of supervisors required by this policy or in accordance with the applicable federal regulations.

## CERTIFICATE OF RECEIPT

### Employee Education and Training

All applicable employees shall be given information regarding the requirements of Part 382 and this policy. All applicable employees shall be given a copy of this policy annually and sign-off that they have received this policy at annual drug and alcohol training. Appropriate training shall be conducted annually at the August in-service for all CDL license drivers and other applicable persons employed by the Jefferson Davis Parish School Board in compliance with requirement of Louisiana School Transportation Specifications and Procedures, Bulletin 119, Louisiana Department of Education.

Revised: November 17, 2011

Revised: June 21, 2018

Ref: [PL 102-143](#) (*The Omnibus Transportation Employee Testing Act of 1991*)

[49 USC 5331](#) (*The Omnibus Transportation Employee Testing Act of 1991*)

[49 CFR 10](#) (*Maintenance of and Access to Records Pertaining to Individuals*)

[49 CFR 40.1](#) et seq. (*Procedures For Transportation Workplace Drug and Alcohol Testing Programs*)

[49 CFR 382](#) (*Controlled Substances and Alcohol Use and Testing*)

[49 CFR 391](#) (*Qualifications of Drivers and Longer Combination Vehicle Driver Instructors*)

La. Rev. Stat. Ann. §§[17:81](#), [23:897](#), [23:1081](#), [23:1601](#), [49:1001](#), [49:1002](#), [49:1005](#), [49:1011](#), [49:1012](#), [49:1015](#)

[Louisiana School Transportation Specifications and Procedures, Bulletin 119](#), Louisiana Department of Education

Board minutes, [11-17-11](#), [6-21-18](#)

Jefferson Davis Parish School Board