

EEAEA – REQUIREMENTS FOR SCHOOL BUS OPERATORS AND OTHER TRANSPORTATION PERSONNEL: MANDATORY DRUG AND ALCOHOL TESTING

Category P

1. Statement of Policy

The School Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with commercial vehicles that transport students, must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy related to the fitness for duty of transportation personnel, including but not limited to, school bus operators.

2. Medical Examination of School Bus Operators

In accordance with RSA 200:37, before employing any person as a school bus operator, directly or through a vendor, the School District shall require that such persons submit a certificate signed by a licensed physician setting forth the physician's findings as a result of the examination to determine the physical condition of drivers in accordance with the requirements of 49 C.F.R. Part 391.41-391.49. Such certificate shall be submitted to the School District prior to the commencement of such employment and the District shall retain a copy of such certification. Every 2 years thereafter, either prior to the commencement of the school year or prior to the reemployment of such persons as a school bus operator, the School District shall require submission of a like certificate, except that school bus operators attaining the age of 70 shall be required to undergo an annual examination and to submit a certificate annually.

3. School Bus Driver's Certificate

No person shall be employed as a school bus operator, directly or through a vendor, unless the person has received a School Bus Driver's Certificate from the NH Department of Motor Vehicles as required by RSA

4. Criminal Background Investigation

Before employing any person as a school bus operator, directly or through a vendor, the School District shall require a criminal history records check as set forth in RSA 189:13-a and School District policy. If the school bus operators are employed directly by the District, then the employee will pay for the costs associated with the criminal history records check. If the District contracts with a vendor to provide student transportation services, then at the discretion of the vendor, either the vendor or the prospective bus operator will pay for the criminal history records check.

5. Mandatory Drug and Alcohol Testing

In compliance with the United States Department of Transportation's Title 49 Code of Federal Regulations, Part 391, all District employees and contractors who are CDL holders and personnel performing safety-sensitive functions related to the transportation of the students of this School District shall be required to submit to drug and alcohol testing. Testing procedures and facilities used for the tests shall conform to the rules and requirements of the Department of Transportation, including but not limited to 49 C.F.R. Part 40. The term "CDL holder" means someone who is required as part of their job duties to hold a Commercial Driver's License. The term "safety-sensitive function" refers to all tasks associated with the operation and maintenance of commercial vehicles including but not limited to, driving, waiting to be dispatched, inspecting and servicing equipment, supervising, performing or assisting in unloading or loading, repairing or obtaining and waiting for help with a disabled vehicle, and performing driver requirements related to accidents. A "commercial vehicle" is any vehicle capable of carrying 16 or more passengers including the driver.

If the School District employs the transportation personnel directly, the District will be responsible for ensuring compliance with the Department of Transportation's Mandatory Drug and Alcohol Testing requirements. If the School District contracts with a vendor to provide student transportation's services, the vendor shall be the employer and shall provide assurance to the District on an annual basis that they are in compliance with the Mandatory Drug and Alcohol Testing requirements.

The Drug and Alcohol Testing shall include pre-employment, random, reasonable suspicion and post-accident testing as defined by Department of Labor Regulations. Random testing shall occur at the rate set by the Department of Transportation. Testing shall be conducted by a qualified company selected by the District in accord with the rules and regulations promulgated by the Department of Transportation.

Employees will be required to submit to a reasonable suspicion drug and/or alcohol tests if their supervisor suspects drug and/or alcohol use.

The District shall be immediately notified if an employee fails the drug screening or tests above 0.02 on a breath alcohol measurement. Employees whose drug screening is positive, or who receive an alcohol test

result of 0.02 or higher shall immediately be removed from performing safety-sensitive functions, including but not limited to operating a school bus.

The School District supports a zero tolerance policy related to substance abuse. Therefore any personnel who have a confirmed positive test for drugs or a confirmed alcohol concentration of 0.02 or greater will be terminated from employment.

The use, possession, sale, or transfer of illegal drugs, on or off the job, may be cause for termination. Refusal to participate in a drug screen or alcohol test, whether selected randomly or for cause, shall result in immediate termination.

The District reserves the right to refuse to contract with any third party that refuses to comply with this policy and the legal requirements pertaining to transpiration personnel.

Legal References:

RSA [200](#):37, Medical Examination of School Bus Operators

RSA [263](#):29, School Bus Driver's Certificate

RSA [189](#):13-a, School Employee & Volunteer Background Investigations

[49 C.F.R. § 40.1-40.13 \(2001\)](#), Transportation Workplace Drug Testing Program

[49 C.F.R. Part 391 \(1995\)](#), Qualifications of Drivers

Appendix [EEAEA-R](#)

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