

ALCOHOL AND DRUG TESTING FOR HOLDERS OF COMMERCIAL DRIVER'S LICENSES (CDL)

All drivers employed by the East Baton Rouge 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 of the East Baton Rouge Parish School Board shall be subject to the following specific provisions. These testing requirements apply to driver-applicants, driver-employees, and contract- or leased-drivers. A driver is covered if, at any point during the year, the driver operates a vehicle for which the operator must have a commercial driver's license when operating the vehicle, such as a school bus.

Definitions:

- A. **Alcohol** means the intoxicating agent in beverage alcohol, alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- B. **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.
- C. **Alcohol use** means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
- D. **Covered vehicle** means a motor vehicle, including any school bus and other vehicles, as defined by law and federal regulations, the operation of which requires a driver with a commercial drivers license (CDL).
- E. **Controlled substance** is any drug identified in the Schedule of Controlled Substances of the Drug Enforcement Agency as a Schedule I drug or an amphetamine, narcotic, or other habit forming drug. It also includes, but is not limited to, marijuana (THC), cocaine, opiates, opium derivatives, hallucinogenic substances, depressants, stimulates, amphetamines, and phencyclidine (PCP).
- F. **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 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 principle from that of the screen test in order to insure reliability and accuracy.
- G. **Screening Test (also known as Initial Test)** in alcohol testing means an analytical procedure (Breath Alcohol Test) 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 0.04 or greater. No driver shall be on duty or operate a school bus or other covered commercial 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 consume alcohol for eight (8) hours following the accident or until he/she undergoes a post accident alcohol test, whichever occurs first. Any violation of this policy may result in discipline up to and including termination.

Controlled Substance Use Prohibited:

No driver shall report for duty or remain on duty when the driver is using a Schedule I drug on the Schedule of Controlled Substances of the Drug Enforcement Agency or an amphetamine, narcotic, or any other habit-forming drug. The schedule of drugs includes, but is not limited to, opiates, opium derivatives, hallucinogenic substances, depressants, and stimulants. The driver shall not consume any of these controlled substances while off duty or on duty. Any violation of this policy may result in discipline up to and including termination.

A driver may use a substance administered by or under the instruction or supervision of a licensed physician who has advised the driver that the substance will not affect the driver's ability to safely operate a motor vehicle. The driver must furnish written evidence of the doctor's prescription to his/her supervisor prior to operating any covered vehicle. No driver shall respond to work or drive while taking medication prescribed by a licensed physician that will impair that driver's ability to safely operate a motor vehicle. ***Impaired*** means under the influence of a substance so that the driver's motor senses -- i.e., sight, hearing, balance, reaction, reflex, or judgment -- either are or may be presumed to be affected. Any violation of the policy may result in discipline up to and including termination.

Refusal to Submit to a Required Alcohol or Controlled Substance Test:

Any driver who refuses to submit to a post-accident alcohol or controlled substance test required under this policy, a random alcohol or controlled substances 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 without pay pending discipline, including possible termination.

Possession Prohibited:

No driver at any work site shall possess any controlled substance, lawful or unlawful, which could result in impaired performance, with the exception of substances administered by or under the instructions of a licensed physician. **Work site** means any motor vehicle, office, building, yard, or other property operated by the East Baton Rouge Parish School Board, or any other location at which the driver is to perform East Baton Rouge 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 may result in discipline up to and including termination.

Controlled Substance Test Results:

No driver shall report for duty, remain on duty or drive a vehicle if the driver tests positive for any controlled substance. The driver will be suspended without pay.

Tests Required:

For purposes of assuring compliance with the Federal Motor Carrier Safety regulations and future amendments, as well as this policy, employee-drivers and new applicants for positions as drivers will be subject to alcohol and drug screening. **Screening** means testing of breath and/or of urine to determine abuse or impairment.

- A. **Pre-Employment Testing.** Prior to assuming a driving position, all applicants will be subject to testing for alcohol and controlled substances that complies with pertinent federal regulations. Refusal to submit to screening will make it impossible to medically qualify the applicant, and the applicant cannot be employed as a driver.
- B. **Post-Accident Testing.** After any accident involving a covered vehicle, driver shall be tested for alcohol and controlled substances if the accident involved the loss of human life, bodily injury, property damage, or a driver receives a citation under state or local law for a moving traffic violation arising from the accident. 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 a post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing. A refusal to submit to testing may result in discipline up to and including termination.
- C. **Random Testing.** The minimum annual percentage rate for random alcohol testing shall be twenty-five percent (25%) of the average number of driver positions. The minimum annual percentage rate for random controlled

substance testing shall be fifty percent (50%) of the average number of driver positions. The selection of drivers for the random alcohol and controlled substance testing shall be made utilizing a random numbered table of a computer based random number generator that is matched with drivers' social security numbers. The procedures for the random testing will be conducted in accordance with applicable federal regulations.

- D. **Reasonable Suspicion Testing.** When a supervisor or other supervisory personnel who is trained in accordance with applicable federal regulations, based upon the required observations for alcohol and/or controlled substances formed reasonable suspicion to conduct an alcohol test or a controlled substance test. The observations and tests shall be conducted in accordance with applicable federal regulations.
- E. **Return to Duty Testing.** Prior to returning to duty after engaging in conduct prohibited by this policy, the driver shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substance test with a result indicating a verified negative results for controlled substance use.
- F. **Follow-up Testing.** If determined that a driver is in need of special assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, such driver is subject to unannounced follow-up alcohol and/or controlled substance testing as directed by a substance abuse professional in accordance with the provisions of applicable federal regulations.
- G. **Other Alcohol-Related Conduct.** If a driver is tested as provided in this Section and found to have an alcohol concentration of 0.02 or greater but less than 0.04, such driver shall be prohibited from returning to duty and operating any covered motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
- H. **Compliance With Federal Regulations.** All procedures for any testing shall conform to federal regulations.

Test Results:

- A. Test results are reviewed to determine whether there is an indication of alcohol misuse or controlled substance use. The results are confidential. The East Baton Rouge Parish School Board's Medical Review Officer (MRO) shall be the custodian of the individual test results. The Medical Review Officer shall furnish a report of the test results to the East Rouge Parish School Board's Associate Superintendent of Human Resources. All test

results, reporting information and record retention will be in accordance with pertinent federal regulations.

- B. Any employee who has a confirmed positive test for a controlled substance may request an analysis of the split specimen at the employee's expense and if requested within 72 hours of having been informed by the MRO of a verified positive test.

Evaluation and Rehabilitation:

Whenever a driver is found to have alcohol concentration greater than 0.04 or a controlled substance testing with positive urine specimens, the driver shall be subject to appropriate disciplinary action including termination, with the driver being suspended without pay pending such action. If an employee provides an evaluation of a substance abuse professional that prescribes a rehabilitation program to resolve problems associated with alcohol misuse and/or controlled substance abuse, then the employee status may be changed to suspension with pay. During such period, the employee shall be required to utilize accumulated sick leave for the period of rehabilitation. However, if the employee has exhausted his/her accumulated sick leave, the employee may be granted additional sick leave not to exceed thirty (30) days. Prior to return to duty, the employee shall be required to complete the return to duty testing and be subject to follow-up testing to consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty.

Applicable Regulations:

The Associate Superintendent of Human Resources, all supervisors, all testing providers, laboratories and the medical officers shall comply with the requirements of the Federal Motor Carrier Safety Regulations.

Contact Persons:

Any employee may contact the Associate Superintendent of Human Resources for information concerning this policy and for any educational materials concerning alcohol misuse and controlled substance use. The Associate Superintendent of Human Resources shall obtain and provide information as to substance abuse professionals available in the community. The Associate Superintendent of Human Resources shall provide for any required training of supervisors required by this policy or in accordance with the applicable federal regulations.

Certificate of Receipt:

The Associate Superintendent of Human Resources shall distribute a copy of this policy to each driver and to each driver-applicant. Each driver is required to sign a statement certifying that he or she has received a copy of this policy. The Director of the Department of Human Resources shall maintain the original of the signed certificate in the employee's

personnel file.

Ref: PL 102-143 (Title V); 49 CFR 40 et seq.; 49 CFR 10, 382, 391, 394; La. Rev. Stat. Ann. ' ' 17:81, 23:1081, 23:1601, 49:1001 et seq.; Board minutes, 10-13-94.