



Procedure B4P

BURLINGTON SCHOOL DISTRICT PROCEDURE

PROCEDURE CODE B4P: DRUG and ALCOHOL TESTING OF TRANSPORTATION EMPLOYEES

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Summary

Burlington School District will follow the procedure for drug and alcohol testing set forth in Federal Regulations [49 C.F.R. Part 40](#) (“Part 40”) and [49 C.F.R. Part 382](#) (“Part 382”). If a CDL driver who operates a school bus or other commercial motor vehicle has questions regarding the District’s procedure for drug and alcohol testing, the individual should consult Part 40, Part 382, and/or contact the Human Resources Leave Specialist. The purpose of this document is to highlight aspects of the procedure for drug and alcohol testing set forth in Part 40 and Part 382.

Employees Subject to Drug and Alcohol Testing

Any CDL driver who operates a school bus or other commercial motor vehicle (“CMV”) will be subject to drug and alcohol testing (“Covered Employee”). This includes all full-time, part-time, intermittent, and backup CDL drivers.

When a Covered Employee Will be Tested

Pre-employment Testing: A Covered Employee is required to submit to drug and alcohol testing, and BSD must receive a negative drug and alcohol test result from a Covered Employee before they will be allowed to operate a CMV, as outlined in §382.301 of Part 382.

Post-accident Testing: A Covered Employee will be drug and alcohol tested if they are in an accident as soon as is reasonably possible after the accident. Said employee shall make themselves available for such tests.

Random Testing: A Covered Employee will be randomly tested throughout the year, as outlined in §382.305 of Part 382. Upon selection for random testing, the employee shall proceed to the test site immediately.

Return-to-duty Testing: A Covered Employee who tested positive, refused a test, or who otherwise violated the prohibitions of Part 382 Subpart B, and who has completed the return-to-duty process with a DOT-qualified substance abuse professional will be drug and alcohol tested. The test will be directly observed with a negative result required before the Covered Employee can resume driving duties, as outlined in §382.309 of Part 382 and §40.305 of Part 40.

Follow-up Testing: A Covered Employee who tested positive, who refused a test, or who otherwise violated the prohibitions of Part 382 Subpart B and who has completed the return-to-duty process with a DOT-qualified substance abuse professional and who has tested negative for a return-to-duty test will be drug and alcohol tested. This testing will occur for a period of six months to five years, as directed by the DOT-qualified substance abuse professional. The testing will be conducted as outlined in §382.311 of Part 382 and §40.307 of Part 40. BSD's present policy requires six tests in the first 12 months upon return to duty.

Substances Tested and Prohibited Conduct

The use of illegal drugs is prohibited. As outlined in Part 40 Subpart F, a Covered Employee will be subject to laboratory testing for the following classes of drugs:

- Marijuana
- Cocaine
- Opiates (opium and codeine derivatives)
- Amphetamines and methamphetamines
- Phencyclidine (PCP)

No Covered Employee shall report for duty or remain on duty while having a quantifiable presence of any of these five classes of drugs in their body at or above the minimum thresholds set forth in §40.87 of Part 40.

A Covered Employee will be tested for alcohol as well. No Covered Employee shall report for duty or remain on duty while having an alcohol concentration of 0.00 or greater. Additionally, a Covered Employee is prohibited from 1.) Consuming alcohol within the eight hours prior to the operation of a CMV; and 2.) Consuming alcohol for eight hours following involvement in an accident or until the Covered Employee submits to the post-accident drug and alcohol test, whichever occurs first.

How Testing Will Be Conducted

Drug and alcohol testing will be conducted in accordance with the procedures outlined in Part 40 Subsections C-F and in §382.105 of Part 382. A Covered Employee is encouraged to review the procedures in Part 40 Subsections C-F and in §382.105 of Part 382 and direct any questions to the Human Resources Leave Specialist.

Consequences for a Covered Employee Who Fails a Drug and/or Alcohol Test

If a Covered Employee fails a drug test and/or an alcohol test (BAC at or above 0.04), the Covered Employee will be immediately removed from operating a CMV until the Covered Employee successfully completes the return-to-duty process with a DOT-qualified substance abuse professional as outlined in Subpart O of Part 40. The Covered Employee may be subject to disciplinary action up to and including dismissal.

Following a BAC of 0.00 or greater, a Covered Employee will be immediately removed from operating a CMV until the start of the Covered Employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. The Covered Employee may be subject to disciplinary action up to and including dismissal.

Consequences for a Covered Employee Who Refuses a Drug and/or Alcohol Test

A Covered Employee will be deemed to have refused a drug and/or alcohol test if the Covered Employee

- Fails to appear for any test within a reasonable time, as determined by the School.
- Fails to remain at the testing site until the testing process is complete.
- Fails to provide a breath and/or urine specimen for any alcohol and/or drug test.

- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen.
- Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- Fails or declines to take a second test the School or collector has directed the Covered Employee to take.
- Fails to undergo a medical examination or evaluation, as directed as part of the verification process, or as directed by the School's representative. In the case of a pre-employment drug test, the individual is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
- Fails to cooperate with any part of the testing process.
- Is reported as having a verified adulterated or substituted test result.

If a Covered Employee refuses to take a drug test and/or alcohol test, the Covered Employee will be treated as if the Covered Employee failed a drug test and/or alcohol test and will be subject to the same disciplinary consequences as if they had failed a drug test and/or alcohol test.

Treatment

If a Covered Employee fails a drug test and/or alcohol test or refuses to take a drug test and/or alcohol test, the Covered Employee will be referred to a Substance Abuse Professional ("SAP"). The District will provide the Covered Employee with a list of SAPs readily available to the Covered Employee and acceptable to the school. The District will not provide or pay for an SAP evaluation or any subsequent recommended education or treatment for a Covered Employee who fails a drug test and/or alcohol test or who refuses to take a drug test and/or alcohol test.

Voluntary Self-Referral

Any Covered Employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing, or has not refused a drug or alcohol test may voluntarily refer her or himself to the Human Resources Leave Specialist, who will refer the Covered Employee to a substance abuse counselor for evaluation and treatment. The District is not obligated to pay for any evaluation, treatment, and/or other services following a voluntary self-referral.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. All employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any Covered Employee who admits to a drug and/or alcohol problem will immediately be removed from operating a CMV and will not be allowed to operate a CMV until successful completion of a prescribed rehabilitation program.

Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the Human Resources Leave Specialist. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties, including operating a CMV.

Contact Person

For questions about the School's Drug and Alcohol Testing Policy and/or Procedure, contact the Human Resources Leave Specialist.

Drug and Alcohol Clearinghouse

The following personal information collected and maintained under the District's Policy and Procedures shall be reported to the Department of Transportation's Drug and Alcohol Clearinghouse:

- A verified positive, adulterated, or substituted drug test result
- An alcohol confirmation test with a concentration of 0.04 or higher

- A refusal to submit to any test required by subpart C of this part
- An employer's report of actual knowledge, as defined at § 382.107
 - On-duty alcohol use pursuant to § 382.205
 - Pre-duty alcohol use pursuant to § 382.207
 - Alcohol use following an accident pursuant to § 382.209
 - Controlled substance use pursuant to § 382.213
- A substance abuse professional's (SAP as defined in § 40.3 of this title) report of the successful completion of the return-to-duty process
- A negative return-to-duty test
- An employer's report of completion of follow-up testing

Dissemination of Program Materials

Each Covered Employee and a representative of a recognized local employee organization will be provided with a copy of the District's Policy and Procedures prior to the start of alcohol and controlled substances testing.

Effects of Alcohol and Controlled Substances

Alcohol and controlled substances have a negative and dangerous effect on an individual's health, work, and personal life. Any individual who thinks they see signs and/or symptoms of an alcohol or a controlled substances problem, in either themselves or someone else, should contact the Human Resources Leave Specialist.

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<i>Legal Reference(s):</i>	<i>49 U.S.C. §§ 5331, 31306 (Omnibus Transportation Employee Testing Act of 1991) 49 C.F.R. Part 40; 21 V.S.A. § 511 et seq.</i>
<i>Policy Reference:</i>	<i>Policy B4: Drug and Alcohol Testing of Transportation Employees</i>