


SCHOOL COMMITTEE POLICY  
NEEDHAM PUBLIC SCHOOLS

FILE

EEAEA-1

Policy for: <b>DRUG &amp; ALCOHOL TESTING FOR SCHOOL TRANSPORTATION DRIVERS</b>		Revision 0
Date Approved by School Committee:  May 17, 2022	Signature of Chair:  Matthew Spengler	Page 1 of 6

The Needham Public Schools (the “District”) is committed to providing a safe and effective school transportation program. The use or possession of alcoholic beverages or controlled substances while transporting students, or on school property, represents a risk to the safety of Needham Public School students and staff.

Purpose and Scope

The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to drug and alcohol testing of employees in safety-sensitive positions.

Applicability


This policy applies to all safety-sensitive employees who are required to possess a Commercial Driver’s License (CDL) or a Massachusetts 7D license in the performance of their job. It also applies to contracted service providers hired to work on behalf of the Needham Public Schools, and whose contracted function requires that individual to possess a Commercial Driver’s License (CDL) or a Massachusetts 7D license.

For purposes of this policy, a driver is performing a safety-sensitive function at the following times while driving, while waiting to be dispatched or to drive, while loading/unloading a vehicle, or while performing any other job-related requirement.

The term ‘vehicle’ shall refer to school buses, other school vehicles for which a CDL is required, as well as vehicles used to transport students under M.G.L. Ch. 90 s. 7D.

General Policy Regarding Drugs & Alcohol in the Workplace

Consistent with School Committee Policy #JFCK, the unlawful manufacture, distribution, dispensation, or possession of controlled substances or alcohol is prohibited while on duty or on school department property. Any violations of this policy will be grounds for disciplinary action up to and including immediate suspension and/or dismissal. Contracted transportation providers who are suspected of violating this policy, or who are found to have violated it in fact, may be dismissed. Any illegal substances will be turned over to the appropriate law enforcement agency.

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Recognizing that the consumption of alcohol, marijuana and/or controlled substances could impair a driver's judgment and their ability to safely operate a school transportation vehicle, employees or contract providers who are suspected of being under the influence of drugs or alcohol, either on the job or when reporting to work, or who consume drugs or alcohol during work hours (including all breaks and meal periods), will immediately be removed from duty and required to undergo drug and/or alcohol testing. If use is substantiated, the driver will be dismissed from their employment with the Needham Public Schools. Contracted drivers will be removed from the Needham service contract, at the sole discretion of the Needham Public Schools.


Employees are expected to follow the direction of their health care provider concerning prescription medications, and must immediately notify the Superintendent or designee of any prescription drug that is likely to have an impact on job performance. In addition, notification must be given at the time of drug and alcohol testing or screening as to any drugs or medicine being taken.

I. Drug and Alcohol Testing

The Needham Public Schools will fully comply with U.S. Department of Transportation (DOT) regulations governing drug and alcohol testing for safety-sensitive transportation positions. Such policy will apply equally to all safety-sensitive drivers as defined by this policy.

Consistent with DOT regulation, testing will occur in the following situations: pre-employment, post-accident, randomly, upon reasonable suspicion, following an authorization to return to duty, or as a follow-up. These situations are defined below:

1. Pre-employment - All applicants for safety-sensitive transportation positions shall undergo testing for alcohol and controlled substances. A driver must receive a negative test before being permitted to operate a vehicle for the first time in Needham.
2. Post-accident - A drug/alcohol test is required in the event of an accident involving a fatality, bodily injury with immediate medical treatment away from the scene, or disabling damage to any motor vehicle requiring tow away. Alcohol tests should be conducted within two (2) hours, but in no case more than eight (8) hours after the

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accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within 32 hours.

3. Random - A driver must be tested for drug/alcohol use on a random and unannounced basis through the year. Each year, the number of random tests administered must equal at least 25% of drivers for alcohol use and 50% of drivers for drug use.
4. Reasonable Suspicion - A drug/alcohol test is required when a driver's behavior or appearance suggests alcohol or drug use. Testing for alcohol use shall be based upon specific observations made by a trained supervisor just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for drug use may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the Superintendent or his/her designee. If a test cannot be administered immediately, the driver must be removed from performing safety sensitive duties for at least 24 hours.
5. Return-to-Duty and Follow-Up - A drug/alcohol test is required for drivers who have completed a return-to-duty process with a DOT-qualified substance abuse professional, following a positive test, a refusal to test, or a violation of the drug and alcohol testing regulations. A negative test is required before a driver may resume driving duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first 12 months after a driver returns to duty.

The District will comply with all Department of Transportation regulations governing testing procedures and methods for Needham's safety-sensitive employees. Any refusal to participate in the drug/alcohol testing required by this policy will be treated as indicative of a positive result.

## II. Consequences of Drug/Alcohol Misuse

1. Safety-sensitive drivers who tested just before, during or just after performing safety-sensitive functions and who have an alcohol concentration of between 0.02 and 0.04, must be removed from performing such duties and placed on administrative leave without pay for 24 hours. Depending upon the circumstances, disciplinary actions may be imposed, up to and including dismissal.
2. Drivers who test positive for alcohol use greater than 0.04, or for drug use, will be immediately removed from safety sensitive functions. Employees of the Needham Public

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Schools will be terminated immediately. Contract drivers will be dismissed from their driving assignment in Needham.

III. Information/ Training


1. All current and new employees will receive written information about the testing requirements. All employees must receive a copy of this policy and sign a confirmation of receipt.
2. Supervisory and management persons who oversee safety-sensitive drivers must attend training on alcohol misuse and controlled substances use, as well as on the symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy.
3. This policy will be publicly posted and made available to all employees.
4. Periodically, educational information will be made available to employees that focuses on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, and the potential safety hazards presented to the individual employee, other employees and the public.
5. All recruitment advertising will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
6. All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

IV. Record Keeping

1. The District is required to keep detailed records of its drug and alcohol testing program.
2. Driver alcohol and drug testing records are confidential and will not be released except as authorized by 40 CFR 382.405.

V. FMCSA Clearinghouse Inquiries and Reporting

The Needham Public Schools is required to collect, maintain, and report certain information to the Federal Motor Carrier Safety Administration (FMCSA) Commercial Driver's License Drug and Alcohol Clearinghouse:

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1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to any test required;
4. An employer's report of actual knowledge of:
  - a. On duty alcohol use;
  - b. Pre-duty alcohol use;
  - c. Alcohol use following an accident; and
  - d. Controlled substance use;
5. A substance abuse professional report of the successful completion of the return-to-duty process;
6. A negative return-to-duty test; and
7. An employer's report of completion of follow-up testing.


VI. Pre-Employment References

1. The District must use the Drug and Alcohol Clearinghouse to conduct pre-employment reference checks for prospective employees in safety-sensitive positions. Prior employers also may be contacted.
2. Since Clearinghouse access requires consent, the prospective employee must provide the District with a written release, or the candidate will not be hired.
3. The pre-employment reference check must include the following information from every employer that had employed the candidate in a safety-sensitive position within the prior three (3) years: any test in which the employee's blood alcohol concentration was 0.04 or higher; any positive drug test; any refusal to participate in the alcohol and drug testing program; and any other testing violations.
4. If the District obtains information that a prospective employee has had a positive test result as identified in paragraph VI.3 above, or violated a DOT agency drug and alcohol regulation within the past three years, that candidate shall not be hired.
5. The District of Needham must provide the same information to subsequent employers of current District employees when provided with a written release.

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VII. Post- Employment References

1. The District must query the Drug and Alcohol Clearinghouse annually for all employees in safety-sensitive positions.
2. Since Clearinghouse access requires consent, the prospective employee must provide the District with a written release allowing the release of this information or the candidate will not be hired.
3. If the results of the query indicate any one of the following violations, the employee shall be immediately dismissed: a verified positive, adulterated, or substituted controlled substances test result; an alcohol confirmation test with a concentration of 0.04 or higher; refusal to submit to a test; alcohol use on duty, before duty, or following an accident; or use of a controlled substance.

LEGAL REFERENCES:

M.G.L. C. 90 Sec. 7B

M.G.L. C. 90 Sec. 7D

M.G.L. C. 90 Sec. 8A ½

School Committee Policy #JFCK

Federal Law PO 100-690, Anti-Drug Abuse Act Of 1988

49 C.F.R. Part 382 Controlled Substance And Alcohol Use And Testing

49 C.F.R. Part 391 Qualification Of Drivers

49 C.F.R. Part 40, Procedures For Transportation Workplace Drug And Alcohol Testing Programs

49 U.S.C. Sec. 31306 Et Seq, Alcohol And Controlled Substances Testing: