

Category: Operations

Policy Title: Drug & Alcohol Testing – Bus Drivers

Policy Statement: GCCC is committed to the health, safety and welfare of our employees and students. That commitment is jeopardized when any of our employee's illegal use drugs on the job, comes to work under the influence, or possesses, distributes or sells drugs in the workplace.

Bus drivers are required to have a Commercial Driver's License (CDL) and are required to undergo drug and alcohol testing.

Procedures:

The Transportation Coordinator is the designated employer representative (DER). The DER is able to receive communications and test results from the service agency, is authorized to take immediate action to remove employees from safety-sensitive duties and is required to make decisions in the testing and evaluation processes. The DER is responsible for answering questions that drivers may have about the college's drug and alcohol testing program.

The Federal Highway Administration of the DOT requires drivers of motor vehicles designed to transport 16 or more passengers, including the driver, to undergo drug and alcohol testing. The drivers who must be tested are those required to have a Commercial Driver's License (CDL).

Safety sensitive functions

Safety sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- a. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- b. All time inspecting equipment as required by Secs. 392.7 and 392.8 of this subchapter or otherwise inspecting servicing or conditioning any commercial motor vehicle at any time;
- c. All time spent at the driving controls of a commercial motor vehicle in operations;
- d. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeping berth (a berth conforming to the requirements of Sec. 393.76 of this subchapter);
- e. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

- f. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Prohibited driver conduct.

A driver shall not:

- a. Report for duty or remaining on duty requiring the performance of safety-sensitive functions.
- b. While having an alcohol concentration of 0.04 or greater or,
- c. After testing positive or adulterating or substituting a test specimen for controlled substances, or
- d. When using any controlled substances unless the use is pursuant to the instructions of a physician who has advised the driver that the substances does not adversely affect the driver's ability to safely operate a commercial motor vehicle'
- e. Use alcohol while performing safety-sensitive functions'
- f. Perform safety-sensitive functions within four (4) hours after using alcohol;
- g. Use alcohol for 8 hours following an accident requiring a post-accident alcohol test unless the driver has already completed a post--accident test;
- h. Refuse to submit to a post-accident alcohol or controlled substances test required by the regulations, a random alcohol or controlled substances test required by the regulations, a reasonable suspicion alcohol or controlled substances test required by the regulations, or a follow-up alcohol or substances test required by the regulations.

Pre-employment Testing

All drivers will be required to take a pre-employment drug test and a negative result must be received by the DER before operating a commercial motor vehicle for this company.

Random drug testing

All drivers will be enrolled in a random drug and alcohol testing program and will be tested at a rate of 50% per year for drugs and 10% per year for alcohol.

Reasonable suspicion drug and alcohol testing

Reasonable suspicion alcohol testing will be conducted if the DER has reasonable suspicion that a driver has violated any prohibition including alcohol concentration, on-duty use, pre-duty use, or use following an accident.

Reasonable suspicion drug testing will be conducted if the DER has suspicion that a driver has violated any prohibition including controlled substances use. Return-to-duty testing will be required for any driver that returns to duty after failing a drug or alcohol test previously performed. These tests will not be conducted until a Substance Abuse Professional (SAP) has determined that the employee has successfully complies with prescribed education and/or treatment. Follow-up testing will be done on employees that commit a DOT drug or alcohol regulation violation, and who seeks to resume the

performance of safety-sensitive function. The SAP must establish a written follow-up testing plan. SAP's are identified at the end of this policy.

All drivers will be sent to a collection site for their drug and/or alcohol test. Each driver's test will be performed by a certified collector and sent directly to the lab for testing. The results are then received by the DER. A separate filing system has been established for only drug and alcohol testing results. These results are locked and only the DER has access to this information.

It is required by federal law that each driver submit to drug and alcohol testing under Part 382 of the Federal Motor Carrier Safety Regulations Handbook.

Post-Accident Testing

Drivers will be required to take a post-accident drug and alcohol if one of the following occurs:

- a. The accident involved the loss of human life;
- b. The driver receives a citation within eight (8) hours of the occurrence, under State or local law for a moving violation arising from the accident;
- c. Bodily injury occurs to any person who, as a result of injury, immediately receives medical treatment away from the scene of the accident; or,
- d. One or more motor vehicles incurs disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A Driver shall not refuse to submit to a post-accident random, reasonable suspicion, or follow-up drug or alcohol test. As an employee, you have refused to take a drug test if you:

- a. Fail to appear for any test (except for pre-employment test) within a reasonable time, as determined by the employer, consistent with DOT agency regulations, after being directed to do so by the employer. This includes the failure of any employee to appear for a test when called by a Consortium/Third Party Administrator
- b. Fail to remain at the testing site until the testing process is complete. Provided that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- c. Fail to provide a urine specimen for any drug test required by this part of DOT agency regulations; Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- d. in the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen.
- e. fail 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'
- f. fail or decline to take a second test the employer or corrector has directed you to take;

- g. fail to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process, or as directed by the DER. In the case of a pre-employment test, the employee to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment; or
- h. fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).

Consequences for violating Subpart B

- a. removal from duty and subject to the company's drug and alcohol policy;
- b. made aware of the resources available for resolving drug and alcohol use problems;
- c. evaluated by a substances abuse professional
- d. required to comply with treatment recommendations
- e. subject to follow-up testing for a period of up to five years as required by the substance abuse professional
- f. required to undergo a return to duty drug test with a negative result for drugs or a return to duty alcohol test with a result.

A driver that is found to have a BAC of 0.02 or greater, but less than 0.04 BAC shall not perform safety-sensitive functions until the start of the driver's next regularly scheduled shift, but not less than 24 hours following administration for the alcohol test.

The college strives to balance our respect for individuals with the need to maintain a safe, productive and alcohol/drug-free environment. The intent of this policy is to offer assistance to those that need it, while sending a clear message that the illegal use of drugs or misuse of alcohol is incompatible with employment at the company.

Substance Abuse Professionals:

Area Mental Health Center

1145 Kansas Plaza

Garden City, KS 67846

620-272-2500

Contacts: Vice President for Administrative Services

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Policy History:

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