

## Code No. 403.6 DRUG AND ALCOHOL TESTING PROGRAM

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver or the school vehicle weighs twenty-six thousand one pounds or more. For purposes of the drug and alcohol testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle.

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion and post-accident drug and alcohol testing. Employees operating school vehicles will not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the school district's contact person, the superintendent, at the district's central office.

Employees who violate the terms of this policy are subject to discipline up to and including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. The superintendent will inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment.

The superintendent will also be responsible for publication and dissemination of the policy and its supporting administrative regulations and

forms to employees operating school vehicles. The superintendent will also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

IASB Drug and Alcohol Testing Program (IDATP) Web site: <http://www.iasb.org/MemberBenefits.aspx?id=304>

Legal Reference: American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3<sup>rd</sup>405 (4<sup>th</sup> Cir. 1995).  
49 U.S.C. §§ 5331 et seq. (2010).  
42 U.S.C. §§ 12101 (2010).  
41 U.S.C. §§ 701-707 (2010).  
49 C.F.R. Pt. 40; 382; 391.81-123 (2010).  
34 C.F.R. Pt. 85 (2002).  
Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-26-91).  
Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2011).

Cross Reference: 403.5 Substance-Free Workplace  
409.2 Licensed Employee

Personal Illness Leave 414.2 Classified Employee

Personal Illness Leave

Approved: 12-12-19

Reviewed: 12-09-19 Revised:

6 c. Casual, intermittent,  
occasional or substitute drivers; and  
R d. Leased drivers and  
independent owner-operator contractors who  
are either  
directly employed by or under lease to a school  
district  
a or who operate a  
school vehicle at the direction of or with the  
e consent of a school district.

3. 1 Drivers are subject to the drug and  
alcohol testing program and its  
requirements throughout the  
year, including the times when school is not  
in session or when the driver is on

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| <b>DRUG AND ALCOHOL TESTING<br/> PROGRAM REGULATION</b> |
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This administrative regulation supports the Drug and Alcohol Testing Program policy. It also establishes and explains the requirements of the school district's drug and alcohol testing program required for employees operating school vehicles. Note the Drug and Alcohol Testing Program Definitions, Code No. 403.6-R2.

- A. Questions regarding the drug and alcohol testing program policy, its supporting administrative regulations or the drug and alcohol testing program may be directed to the school district contact person, the superintendent, at Keota Central Office, P.O. Box 88, Keota, IA 52248. (641) 636-2189
- B. Covered Drivers.
  - 1. A driver is covered by the drug and alcohol testing program if the driver:
    - a. Drives a vehicle transporting sixteen or more persons, including the driver, OR drive a vehicle weighing over twenty-six thousand one pounds; and
    - b. Required to hold a commercial driver's license for the driver position.
  - 2. Covered drivers include:
    - a. Applicants seeking a position as a driver;
    - b. Full time, regularly employed drivers;

leave.

C. Prohibited Driver Conduct.

1. Drivers shall not report to duty or remain on duty with a 0.04 alcohol concentration or greater.
2. Drivers shall not report for duty or remain on duty when using any drug except:
  - a. When a licensed medical practitioner has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle;

and

- b. The school district is informed in writing of the medication and licensed medical

practitioner's opinion.

3. Drivers shall not use alcohol at least four hours prior to, or during the performance of a safety-sensitive

function.

4. Drivers shall not possess alcohol while on duty. This includes possessing prescriptions and over-the-counter medicines containing alcohol unless the packaging seal is unbroken.

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concentration is less than 0.02.  
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test roesult of less than 0.02  
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alcohol

concentration allows the driver to continue to

4

sensitive function.

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perform a safety-

(2) A screening alcohol

test result of 0.02 alcohol

concentration or

greater requires a confirmation test.

R 3. The confirmation alcohol test is conducted only by an evidentiary breath alcohol testing device to determine whether the driver can continue to perform a safety-sensitive function. (a) A confirmation alcohol test result of less than 0.02 alcohol concentration allows the driver to continue to

5. Drivers required to take a post-



2  
sensitive function.

perform a safety-

(b) A confirmation

accident alcohol test shall not use alcohol

within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever

comes first.

6. Drivers shall not refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test resulting in suspension from duties pending termination of the driver.
7. Drivers shall not report for duty or remain on duty performing a safety-sensitive function if the driver has a positive drug test result.

D. Alcohol Breath Testing Procedures.

1. Driver's breath or saliva is tested for alcohol.
2. The screening alcohol test is conducted with an evidentiary breath testing device or a saliva testing device.
  - a. The screening alcohol breath or saliva test determines whether the

alcohol test result of 0.02 alcohol

concentration but less than 0.04 alcohol concentration  
requires the driver to cease performing a safety-sensitive  
function for twenty

four hours.

- (c) A driver will be terminated for a confirmation alcohol test  
result of 0.04 breath

alcohol or greater.

- 4. Alcohol testing is conducted at collection sites which provide privacy to  
the driver and contain the necessary equipment, personnel and materials.
  - a. Alcohol testing is conducted at a designated collection site unless  
the situation requires

another location.

- b. In the event privacy cannot be assured, privacy will be provided to  
the extent practical.

- 5. Screening alcohol testing steps.

- a. Once the driver is notified to submit to an alcohol test, the driver must complete the Alcohol/Drug Test Notification Form and proceed immediately to the collection site. Collection site personnel contact the superintendent immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in a timely manner is considered a refusal to test.

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- b. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test.
- c. The testing procedure is explained to the driver by the collection site person.
- d. The breath alcohol technician (BAT) or saliva testing technician (STT) and the driver complete and sign the appropriate sections of the alcohol testing form.
- e. Evidentiary breath alcohol testing device procedures.
  - (1) The driver forcefully blows into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
  - (2) The screening alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
    - (a) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.