

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

All drivers employed by the Livingston 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 Livingston 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

1. **Alcohol** means the intoxicating agent in beverage alcohol, alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
2. **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.
3. **Alcohol use** means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
4. **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).
5. **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).
6. **Confirmation test** for alcohol testing means a second test, following a screening test with a positive result 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.
7. **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.

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 shall 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 Livingston Parish School Board, or any other location at which the driver is to perform Livingston 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 shall 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.

1. **Pre-Employment Testing.** Prior to assuming a driving position, all applicants shall be subject to testing for alcohol and controlled substances that complies with pertinent federal regulations. Refusal to submit to screening shall make it impossible to medically qualify the applicant, and the applicant cannot be employed as a driver.
2. **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 shall 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.
3. **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 shall be conducted in accordance with applicable federal regulations.
4. **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.
5. **Compliance With Federal Regulations.** All procedures for any testing shall conform to federal regulations.

TEST RESULTS

1. Test results shall be reviewed to determine whether there is an indication of alcohol misuse or controlled substance use. The results shall be confidential. The Livingston 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 Superintendent or his/her designee. All test results, reporting information and record retention shall be in accordance with pertinent federal regulations.
3. 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 seventy-two (72) hours of having been informed by the MRO of a verified positive test.

CONSEQUENCES OF POSITIVE TEST RESULTS

Applicants:

Job applicants who are required to have a commercial driver's license (CDL) will be denied employment with Livingston Parish School Board, if their test results are positive on a pre-employment drug or alcohol test.

Employees:

If an employee who is required to have a commercial driver's license (CDL) has test results that are positive on a random, post-accident, or reasonable cause drug or alcohol test, the employee will be terminated.

If the results of the driver's alcohol test indicates a positive blood alcohol concentration, the employee is subject to termination.

APPLICABLE REGULATIONS

The Superintendent or his/her designee, 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 Superintendent or his/her designee for information concerning this policy and for any educational materials concerning alcohol misuse and controlled substance use. The Superintendent or his/her designee shall obtain and provide information as to substance abuse professionals available in the community. The Superintendent or his/her designee shall provide for any training of supervisors required

by this policy or in accordance with the applicable federal regulations.

CERTIFICATE OF RECEIPT

The Superintendent or his/her designee shall distribute a copy of this policy to each driver and to each driver-applicant. Each driver shall be 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.

New policy: November 1, 2018

Ref: 49 USC 5331 (*Omnibus Transportation Employee Testing Act of 1991*), 49 CFR 40.1 (*Procedures for Transportation Workplace Drug and Alcohol Testing Programs*); La. Rev. Stat. Ann. ' '17:81, 23:897, 23:1081, 23:1601, 49:1001, 49:1002, 49:1005, 49:1006, 49:1007, 49:1008, 49:1011, 49:1012, 49: 1015; Board minutes, 10-13-94, 11-1-18.