

Section 7-4.2. General requirements for employment; health certifications; persons hired as bus drivers; registered as sex offender not eligible; annual documents required; first aid training etc. required; drug and alcohol testing program for bus drivers; pre-employment query required; not allowed to perform safety sensitive functions in certain situations; Clearinghouse Query once a year; refusal to submit to testing. — A. As a condition of employment every new employee of the School Board including teachers, cafeteria workers, janitors and bus drivers, must submit a certificate signed by a licensed physician, physician assistant, advanced practice registered nurse, or registered nurse stating the employee appears free of communicable tuberculosis. Volunteers may be required to provide such a certificate.

B. After consulting with the local health director, the School Board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.

C. No person shall be employed as a bus driver unless the person ~~shall~~ must

(1) have a physical examination of a scope prescribed by the Board of Education and furnish a form prescribed by the Board of Education showing the results of such examination

~~(1)~~(2) furnish a statement or copy of records from the Department of Motor Vehicles showing that the applicant, within the preceding five years, has not been convicted of a charge of driving under the influence of alcohol or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to Va. Code § 18.2-271.1 or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to Va. Code § 46.2-498;

~~(2)~~(3) furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character;

~~(3)~~(4) exhibit a license showing the person has successfully undertaken the examination prescribed by Va. Code § 46.2-339; and

~~(4)~~(5) have reached the age of 18 ~~on~~ by the first day of the school year.

D. Persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for employment as a school bus driver.

E. Persons hired as school bus drivers must annually furnish the documents listed in (C)(1)&(2) above prior to the anniversary date of their employment as a condition of continued employment as a school bus operator.

F. The School Board requires proof of current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator as a condition of employment to operate a school bus transporting pupils.

G. Suffolk Public Schools has a drug and alcohol testing program for school bus drivers and other employees who are required to hold a commercial driver's license (CDL) by U.S. Department of Transportation Regulations who perform safety-sensitive functions as required by federal and state law and regulations.

H. The School Board does not employ drivers subject to controlled substances and alcohol testing required by federal law without first conducting a pre-employment query of the federal Drug and Alcohol Clearinghouse (the Clearinghouse) to obtain information about the driver. Drivers must give specific consent for the query.

I. No driver is permitted to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test; or that an employer has reported actual knowledge that the driver used alcohol on duty, used alcohol before duty, used alcohol following an accident, or used a controlled substance in violation of federal regulations, except where a query of the Clearinghouse demonstrated that the driver has successfully completed the substance abuse professional (SAP) evaluation, referral, and education/treatment process required by federal regulation; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP.

J. The School Board also conducts a query of the Clearinghouse at least once per year for information for any employee subject to controlled substance and alcohol testing required by federal law and regulation to determine whether information exists in the Clearinghouse about these employees.

K. Drivers are subject to drug and alcohol testing as required by state and federal law. Any driver who refuses to submit to a test shall not perform or continue to perform safety-sensitive functions. The division administers alcohol and controlled substance tests in accordance with federal laws and regulations. (Adopted: December 9, 2004; Ordinance Number 04/05-13; Effective Date: July 1, 2005; Revised June 9, 2016; Ordinance Number 15/16-52; Effective Date: July 1, 2016; Ordinance 21/22-16; Revised August 12, 2021; Ordinance 23/24-36, Revised/Effective: December 14, 2023)

Legal Authority – Virginia Code §§ ~~22.1-300, 54.1-2952.2, and 54.1-2957.02~~ 22.1-178, 46.2-339, 46.2-340. 49 C.F.R. §§ 40.305, 382.105, 382.113, 382.201, 382.205, 382.207, 382.209, 382.213, 382.217, 382.301, 382.303, 382.401, 382.405, 382.501, 382.503, 382.601, 382.605, 382.701. 49 U.S.C. § 31136.