

Ordinance 2025/26-24

Section 7-4.3. Prohibited conduct by bus drivers; required testing; notification; consequences for failed testing; record retention; test procedure; consequences for prohibited conduct. —

A. Drivers are prohibited from alcohol possession and/or use on the job, use during the four hours before performing safety-sensitive functions, having prohibited concentrations of alcohol in their systems while on duty or performing safety-sensitive functions, and use during eight hours following an accident or until after undergoing a post-accident alcohol test, whichever occurs first.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect his ability to safely operate a commercial motor vehicle.

B. Drivers are subject to pre-employment/pre-duty drug testing, reasonable suspicion alcohol and drug testing, random alcohol and drug testing, post-accident alcohol and drug testing, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Any employee who refuses to submit to a test shall not perform or continue to perform safety-sensitive functions.

C. Each driver receives educational materials that explain the requirements of federal law and regulations together with a copy of the division's policy and procedures for meeting these requirements. Each driver must sign a statement certifying that he/she has received a copy of the above materials and the division maintains this signed copy. Before performing each alcohol or controlled substances test, Suffolk Public Schools will notify the driver that the test is required by federal law or regulation.

The superintendent or superintendent's designee is responsible for providing educational materials to drivers that explain the requirements of federal regulations and the divisions' policies and procedures with regard to meeting those requirements. The superintendent or superintendent's designee ensures that a copy of the materials is distributed to each driver prior to the start of testing and to each driver subsequently hired or transferred into a position requiring driving a commercial vehicle. Those materials contain at least the following information:

- (1) the identity of the person designated by the school division to answer driver questions about the materials;
- (2) the categories of drivers subject to this policy;
- (3) sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required for compliance;
- (4) specific information concerning driver conduct that is prohibited;
- (5) the circumstances under which a driver will be tested for alcohol and/or controlled substances, including post-accident testing;

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- (6) the procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions;
- (7) the requirement that a driver submit to alcohol and controlled substances tests;
- (8) an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
- (9) the consequences for drivers found to have violated federal law or regulations, including the requirement that the driver be immediately removed from safety-sensitive functions;
- (10) the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
- (11) information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management; and
- (12) the requirement that the following personal information be reported to the Clearinghouse: a verified positive, adulterated, or substituted drug test result; an alcohol confirmation test with a concentration of 0.04 or higher; a refusal to submit to required tests; an employer's report of actual knowledge of on duty alcohol use, pre-duty alcohol use, post-accident alcohol use, and controlled substance use; a SAP report of the successful completion of the return-to-duty process; a negative return-to-duty test; and an employer's report of completion of follow-up testing.

D. If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-sensitive functions in accordance with the federal regulations. All drivers shall be advised of the resources available and before a driver is reinstated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with a negative urine sample.

E. Suffolk Public Schools maintains records in compliance with federal regulations in a secure location with controlled access. With the driver's consent, Suffolk Public Schools may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver is entitled upon written request to obtain copies of any records

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pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

F. Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

G. Suffolk Public Schools administers alcohol and controlled substance tests in accordance with federal laws.

H. A driver who has engaged in conduct prohibited by federal regulation or for whom testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, is removed immediately from safety-sensitive functions. Before a driver is returned to the performance of safety-sensitive functions, if at all, the driver shall undergo an evaluation by a substance abuse professional, as defined by 49 C.F.R. § 40.281, comply with any required rehabilitation and undergo a return-to-duty test with negative drug test results and/or an alcohol test with an alcohol concentration of less than 0.02.

(Adopted May 12, 2016; Ordinance Number 15/16-53; Effective July 1, 2016; Revised August 16, 2018; Ordinance Number 18-19-10; Effective Date: August 16, 2018).

Legal Authority – 49 U.S.C. 31136, 49 C.F.R. §§ 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. Virginia Code §§ 22.1-178, 46.2-339, 46.2-340 (1950), as amended.