

## SCHOOL BUS DRIVERS

### Eligibility for Employment

Any applicant for employment operating an Essex County Public Schools school bus transporting pupils must

- a. 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
- b. 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 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
- c. furnish a statement signed by two reputable persons who reside in the Essex County Public Schools Division or in the applicant's community that the person is of good moral character
- d. exhibit a license showing the person has successfully undertaken the examination prescribed by Va. Code § 46.2-339
- e. have reached the age of 18 on the first day of the school year
- f. submit to testing for alcohol and controlled substances as required by state and federal law and regulation

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.

Persons hired as Essex County Public Schools school bus drivers must annually furnish the documents listed in (a) and (b) above prior to the anniversary date of their employment as a condition of continued employment as an Essex County Public Schools school bus operator.

The Essex County 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 an Essex County Public Schools school bus transporting pupils.

The Essex County 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. Essex County Public Schools drivers must give specific consent for the query.

No Essex County Public Schools driver is permitted to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the Essex County Public Schools 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 Essex County Public Schools employer has reported actual knowledge that the Essex County Public Schools 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 Essex County Public Schools 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

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

#### Drug and Alcohol Testing

Essex County Public Schools drivers are subject to drug and alcohol testing as required by state and federal law. Any Essex County Public Schools driver who refuses to submit to a test shall not perform or continue to perform safety-sensitive functions. The Essex County Public Schools Division administers alcohol and controlled substance tests in accordance with federal laws and regulations.

#### Prohibited conduct

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 Essex County Public Schools driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the Essex County Public Schools driver uses any controlled substances except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the Essex County Public Schools driver's medical history and has advised the Essex County Public Schools driver that the substance does not adversely affect his ability to safely operate a commercial motor vehicle.

## Notification

The superintendent or superintendent's designee is responsible for providing educational materials to drivers that explain the requirements of federal regulations and the Essex County Public Schools 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 Essex County Public Schools driver subsequently hired or transferred into a position requiring driving a commercial vehicle. Those materials contain at least the following information

- the identity of the person designated by the Essex County Public Schools Division to answer driver questions about the materials;
- the categories of drivers subject to this policy;
- sufficient information about the safety-sensitive functions performed by those Essex County Public Schools drivers to make clear what period of the work day the Essex County Public Schools driver is required to be in compliance;
- specific information concerning Essex County Public Schools driver conduct that is prohibited;
- the circumstances under which an Essex County Public Schools driver will be tested for alcohol and/or controlled substances, including post-accident testing;
- the procedures that will be used to test for the presence of alcohol and controlled substances, protect the Essex County Public Schools 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;
- the requirement that an Essex County Public Schools driver submit to alcohol and controlled substances tests;
- an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
- the consequences for Essex County Public Schools drivers found to have violated federal law or regulations, including the requirement that the Essex County Public Schools driver be immediately removed from safety-sensitive functions;
- the consequences for Essex County Public Schools drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
- 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
- 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.

Each Essex County Public Schools driver must sign a statement certifying that the Essex County Public Schools driver has received a copy of the above materials and the Essex County Public Schools Division maintains this signed copy.

Before performing each alcohol or controlled substances test, the Essex County Public Schools Division notifies the driver that the test is required by federal law or regulation.

#### Consequences of prohibited conduct

An Essex County Public Schools 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 Essex County Public Schools 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.

#### Record retention

The Essex County Public Schools Division maintains records in compliance with the federal regulations in a secure location with controlled access. With the Essex County Public Schools driver's consent, the Essex County Public Schools Division may obtain any of the information concerning drug and alcohol testing from the Essex County Public Schools driver's previous employer. An Essex County Public Schools driver is entitled upon written request to obtain copies of any records pertaining to the Essex County Public Schools driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

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

Adopted: April 9, 2012  
December 9, 2013  
July 13, 2020

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Legal Refs.: 49 U.S.C. § 31136.  
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,  
382.601, 382.605, 382.701.

Code of Virginia, 1950, as amended, §§ 22.1-178, 46.2-339, 46.2-340.

Cross Ref.: GBEA                      Unlawful Manufacture, Distribution, Dispensing,  
Possession or Use of a Controlled Substance