Policy 5037: Alcohol and Controlled Substances Testing for School Bus Drivers

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a. Overview. The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety sensitive employees in certain industries which require operators of commercial motor vehicles (CMV's) to hold commercial driver's licenses (CDL). U.S. Department of Transportation regulations require that school bus drivers and others who transport sixteen or more passengers, including the driver, also be required to submit to alcohol and controlled substance testing. For the most part, CDL employees are school bus drivers. However, teachers, coaches, and other District employees who drive activity buses or transport sixteen or more passengers fall under these drug and alcohol testing rules.

   Albany County School District One recognizes that the influence and/or use of drugs, including alcohol, is capable of threatening the safety, welfare and well-being of both students and other employees and will not be tolerated. The safety and security of District employees and students will be maintained as a high priority, and the District is committed to providing an alcohol and drug-free work environment for the safety of its students and employees.

   The possession, use, transfer, and/or sale of alcohol and/or any illegal drug or controlled substances while on duty or on School District property is strictly prohibited (see Board Policy 4035: Drug-Free Schools~~Chapter VII, Section 7~~). Being under the influence of alcohol and/or any illegal drugs or controlled substances while on duty is also strictly prohibited.

   The U.S. Department of Transportation regulations require testing for five (5) drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine. The drug testing requires a split urine collection for each CDL employee who is tested. The regulations also call for an alcohol test using an evidential breath test (EBT) device similar to the kind used by law enforcement agencies. The regulations also specify five (5) types of drug and alcohol testing for all School District employees who are required to have a CDL; these include pre-employment testing, random testing, post-accident testing, return to duty/follow-up testing, and reasonable suspicion testing.

b. Required Testing. The following test(s) shall be required by the District of all employees subject to testing pursuant to this policy:

   1. Pre-Employment/Job Applicant Testing. All successful applicants for positions with the District requiring a CDL and/or otherwise covered by this policy will be required to undergo drug testing prior to their employment. All job applicants will be informed of the District's alcohol and drug testing policy, and a copy of the policy will be made available upon request. All applicants will be informed in writing prior to any drug testing that these tests are required and that their employment is conditioned upon passing the test and conditioned upon any and all future tests administered pursuant to this policy. If an applicant's initial drug test is positive, an immediate confirmation test will be conducted by the laboratory with the existing sample. An additional confirmation test will be conducted if requested by the applicant at his/her expense. If an additional confirmation test is requested, no action on the applicant's employment will be taken until the results of the additional confirmation test are available. In the event an applicant's initial drug test is confirmed positive for illegal drugs, or, if requested, an applicant's additional confirmation test is positive for illegal drugs, the applicant will not be employed. Upon written request, a copy of the confirmation test will be supplied to the applicant.

      Exceptions may be made for drivers who have participated in the drug-testing program required by law within the previous 30 days, provided that the District has been able to verify that the test was conducted and the result was negative.

      Any individual who does not drive a bus for six months will be subject to this "pre-employment" testing.

Prior to submitting a recommendation to the Board for the appointment of a person who will drive a bus as part of his/her job, the transportation supervisor will contact all employers for whom the person worked during the last two years to determine the results of any drug and/or alcohol tests. Before allowing a substitute to drive for the District, the transportation supervisor will contact all employers for whom the substitute worked during the last two years to determine the results of any drug and/or alcohol tests. Information obtained must include:

a. information on the driver's alcohol tests in which the breath alcohol concentration was 0.04 or greater:

b. information on the driver's controlled substances tests in which there were positive results: and

c. any refusal to submit to a required alcohol or controlled substance test.

The director of transportation will maintain a written, confidential record of information obtained from each past employer contacted. All information must be obtained and reviewed no later than fourteen days after the first time a person drives a school bus.

The District will not consider for employment a driver if it is determined that the driver tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refused to test unless the previous employer provides written evidence the driver was evaluated by a substance abuse professional, completed any required counseling, passed a return-to-duty test, and tested negatively on all required follow-up testing.

2. Random Employee Testing. To maintain the District's priority of assuring the safety, health, and wellbeing of students, employees, and the traveling public, the District retains the right to randomly test for alcohol and illegal drugs on all employees who are covered by and subject to this policy. The Department of Transportation regulations require that annually the number of random tests equal fifty percent (50%) of the number of employees in the random testing pool for drugs and twenty-five percent (25%) for alcohol. Random testing shall be conducted on at least a quarterly basis, but may, at the option of the District, be conducted more frequently (i.e., monthly, bi-weekly, or weekly). Any subject employee selected for random testing shall be assured that his/her selection does not mean that the District suspects usage of alcohol and/or illegal drugs.

   In the event an employee is unavailable for testing on the assigned date, s/he will be tested on the next drug testing date. If the employee's confirmation test is positive for abuse and/or untimely use of alcohol and/or controlled substances or drugs, s/he will be required to be evaluated by a substance abuse professional and subject to discipline which may include termination from the position of bus driver. Any refusal to submit to a random test shall be treated as a positive test resulting in a recommendation of termination of the subject employee in his/her position as bus driver.

   Any employee who is not employed specifically as a bus driver, e.g., a coach who may drive a bus, who does not drive for six months will have his/her name removed from the pool. The person's name will be added back to the pool upon his/her resuming driving.

3. Reasonable Suspicion Test. Any supervisor of an employee subject to this policy who has reasonable suspicion that an employee under his/her supervision is guilty of abuse and/or untimely use of alcohol and/or controlled substances or drugs may require the employee to undergo a drug and/or alcohol test.

Reasonable suspicion may be based on and include, but is not limited to, an employee's observed behavior which is indicative of drug and/or alcohol use, the odor of alcohol on the breath, unexplained frequent absences, tardiness, mood swings, or the failure to follow directions.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the workday when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours.

When a supervisor reasonably suspects the abuse and/or untimely use of alcohol, drugs, or controlled substances by a subject employee, the supervisor shall proceed as follows (all conversations should, whenever possible, involve a witness, normally the director of personnel or the supervisor of buildings, grounds, and transportation):

a. Solicit an explanation from the employee for any behavior which creates a reasonable suspicion of a violation of this policy.

b. If the employee cannot satisfactorily explain the behavior, the supervisor may request the employee to undergo a drug and/or alcohol test.

c. If the employee agreed to be tested, s/he will complete the District consent form and a specimen/test result will be obtained.

d. If the employee refuses to undergo the test or complete the consent form, s/he will be advised that such refusal constitutes grounds for a recommendation for immediate termination from the position of bus driver. If the employee still refuses to cooperate, s/he will be directed to the Superintendent's office.

e. If the employee's drug test is confirmed positive and the employee requests an additional confirmation test be conducted (at his/her expense), the employee will be placed on paid leave-of-absence pending the results of the additional confirmation test. If a positive drug test is not confirmed, the employee's job status will be restored.

f. If the employee's confirmation test is positive for abuse and/or untimely use of alcohol, controlled substances, and/or drugs, s/he will be required to be evaluated by a substance abuse professional and subject to disciplinary action, which may include termination from the position of bus driver.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Persons designated to determine whether reasonable suspicion exists must receive at least sixty (60) minutes of training that covers the physical, behavioral, speech, and performance indicators of alcohol misuse and an additional sixty (60) minutes of training that covers these indicators of controlled substance abuse.

4. Employee Post-Accident Testing. As soon as practicable following an accident involving a commercial motor vehicle operating on a public road in commerce, the District shall require alcohol and controlled substances testing of each surviving driver who was performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life, regardless of whether a citation was issued.~~The District shall require an employee to undergo drug and alcohol testing after an accident in which the employee is operating a vehicle owned, leased, rented, or used by the District if the accident involves injury, death, or property damage to an apparent amount of $250.00 or more or if the employee receives a citation arising from the accident. In such cases, the procedure set forth in the reasonable suspicion testing will be followed, except that the employee shall be advised that such tests are required as part of~~

~~the accident investigation. If the employee's confirmation test is positive for abuse and/or untimely use of alcohol, controlled substances or drugs, s/he will be required to be evaluated by a substance abuse professional and may be disciplined, which may include termination from the position of bus driver. If the employee refuses to undergo the requested test or complete the requisite consent form, s/he will be advised that such a refusal constitutes grounds for recommendation for immediate termination from the position of bus driver.~~

For an accident without a fatality, testing is required if the driver receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involved either: (1) bodily injury to any person who immediately receives medical treatment away from the scene as a result of the injury; or (2) disabling damage to one or more motor vehicles requiring transport away from the scene by a tow truck or other motor vehicle. The citation must be received within eight hours of the accident for alcohol testing or within thirty-two hours for controlled substances testing. Disabling damage shall have the meaning specified in 49 CFR 382.107. The exceptions in 49 CFR 382.303(h) apply. (49 CFR 382.303(a) through (c).)

In such cases, the procedure set forth in the reasonable suspicion testing will be followed, except that the employee shall be advised that such tests are required as part of the accident investigation. If the employee's confirmation test is positive for abuse and/or untimely use of alcohol, controlled substances or drugs, s/he will be required to be evaluated by a substance abuse professional and may be disciplined, which may include termination from the position of bus driver. If the employee refuses to undergo the requested test or complete the requisite consent form, s/he will be advised that such a refusal constitutes grounds for recommendation for immediate termination from the position of bus driver.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No driver required to undergo post-accident alcohol testing shall use alcohol for eight hours after the accident, or until after s/he undergoes a post- accident alcohol test, whichever occurs first. If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs. ~~shall use alcohol for eight hours after the accident, or until after s/he undergoes a post-accident alcohol test, or until it is determined that his/her actions were not a contributing factor in the accident, whichever occurs first. If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs.~~

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they confirm to applicable legal requirements and results are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

If the driver's drug test is confirmed positive and the driver requests an additional confirmation test be conducted (at his/her expense), the driver will be placed on paid leave-of-absence pending the results of the additional confirmation test. If a positive drug test is not confirmed, the driver's job status will be restored.

Before any driver operates a bus or other vehicle which may carry sixteen passengers or more, the District shall provide him/her with post-accident procedures that will make it possible for him/her to comply with post-accident testing procedures.

1. Return to Duty/Follow-Up Testing. Any employee whose contract has not been terminated and who is allowed to return to duty either under this policy, or any other District policy, after engaging in conduct prohibited by this policy (i.e., following the abuse and/or untimely use of alcohol and/or controlled substances or drugs) shall

undergo either a return-to-duty alcohol test, with a result indicating an alcohol concentration of less than 0.02% and/or shall undergo a return-to-duty controlled substance test with a result indicating a verified negative result for illegal drugs/controlled substances use. In addition, the employee shall be required to submit to unannounced follow-up alcohol and/or controlled substance/drug testing at the direction of his/her substance abuse professional but shall be a minimum of six times in twelve months. Follow-up testing may be conducted when the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.

2. Alcohol Testing. The specific alcohol-related conduct which prohibits performance of the subject employee's functions include having a breath alcohol concentration of 0.02% or greater, using alcohol while in the performance of the subject employee's duties, performance of the subject employee's duties or functions within four (4) hours after using alcohol, and, for a driver required to undergo post-accident alcohol testing, using alcohol within eight (8) hours after an accident or until tested, whichever occurs first.

   Breath testing will be performed using an evidential breath-testing device approved by the National Highway Traffic Safety Administration. Two (2) breath tests are required to determine if a person has prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02% alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02% or greater, a second confirmation test must be conducted no earlier than 15 minutes and no later than 20 minutes after the screening test. Drivers who engage in prohibited alcohol conduct (i.e., a breath alcohol concentration of 0.02% or more) must be immediately removed from their safety-sensitive functions. Drivers who have an alcohol concentration of 0.02% to 0.039% when tested just before, during, or just after performing safety-sensitive functions will be removed from performing their duties for twenty-four (24) hours. These drivers must be tested prior to returning to work and have a test result of less than 0.02%.

   In the event a confirmation test registers 0.04% or greater, the employee will be given a list of names of substance abuse professionals. The driver shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse. The driver will bear the cost of the evaluation and rehabilitation program. Prior to return to work, the substance abuse professional must provide a written statement to the supervisor stating that the driver has successfully completed the rehabilitation program which was prescribed for him/her. Failure to be evaluated by a substance abuse professional or failure to successfully complete the rehabilitation program will result in a recommendation of termination from the position of bus driver. The driver must be tested prior to return to work and the result must be less than 0.02%. The driver shall be subject to unannounced follow-up testing. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional but shall consist of at least six tests in the first twelve months.

   Any confirmation test with a positive result of 0.02% or greater will be documented. More than one confirmation positive test of greater than 0.02% and/or confirmed positive drug test may result in disciplinary action up to and including a recommendation of termination from the position of bus driver.

   If a driver's behavior or appearance suggests alcohol misuse, a reasonable suspicion alcohol test must be conducted. If a breath test cannot be administered, the driver will be removed from performing safety-sensitive duties for at least twenty-four (24) hours.

   All alcohol breath tests shall be conducted on an approved evidential breath-testing device (EBT) by a trained breath alcohol technician (BAT). A BAT-qualified supervisor of an employee may conduct the alcohol test for that employee only if another BAT is unavailable to perform the test in a timely manner. EBT's shall be able to distinguish alcohol from acetone at the 0.02% alcohol concentration level and shall be capable of testing an air blank prior to each collection of breath and performing an external calibration check. In order to be used in either screening or confirmation alcohol testing, an EBT shall have a quality assurance plan (QAP) developed by the manufacturer.

   Breath alcohol testing will be conducted at a location that affords visual and aural privacy to the employee being tested sufficient to prevent unauthorized persons from seeing or hearing the test results. All necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is

conducted. In some unusual circumstances, such as when it is essential to conduct a test outdoors at the scene of an accident, a test may be conducted at a location that provides visual and aural privacy to the greatest extent practicable.

When the employee to be tested enters the alcohol testing location, the BAT will require the employee to provide positive identification. The BAT shall explain the testing procedure to the employee. The procedure to be followed by the BAT for a screening test is as follows:

1. The BAT shall complete Step 1 on the breath alcohol testing form. The employee shall then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification shall be regarded as a refusal to take the test.

2. An individually sealed mouthpiece shall be opened in view of the employee and BAT and attached to the EBT in accordance with the manufacturer's instructions.

3. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT indicates that an adequate amount of breath has been obtained. If the EBT provides a printed result, but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath test form in the designated space, using a method that will provide clear evidence of removal.

4. If the EBT prints the test results directly onto the form, the BAT shall show the employee the result displayed on the EBT.

5. If any case in which the result of the screening test is a breath alcohol concentration of less than 0.02%, then the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4 of the form.

6. If the employee does not sign the certification in Step 4, the BAT shall note the employee's failure to sign or initial in the "Remarks" section of the form.

7. No further testing is authorized. The BAT shall transmit the result of less than 0.02% to the supervisor in a confidential manner, and the supervisor shall receive and store the information so as to ensure that confidentiality is maintained.

8. If the result of the screening test is an alcohol concentration of 0.02% or greater, a confirmation test shall be performed as provided herein.

   Procedures for confirmation tests (i.e., the screening test results are 0.02% or greater) are as follows:

   a. The confirmation test shall be conducted within twenty (20) minutes of the completion of the screening test. The BAT shall instruct the employee not to eat, drink, or put any object or substance in his/her mouth. This time period begins with the completion of the screening test and shall not be less than fifteen (15) minutes. The BAT shall explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT shall also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the BAT becomes aware that the employee has not complied with the instruction, the BAT shall so note in the "Remarks" section of the form.

   b. Before the confirmation test is administered for each employee, the BAT shall ensure that the EBT registers 0.00 on an air blank. If the reading is greater than 0.00, the BAT shall test one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument.

   c. In the event that the screening and confirmation tests results are not identical, the confirmation

test result is deemed to be the final result upon which any action under this policy shall be based.

d. Following the completion of the test, the BAT and employee shall date and sign the certification form as described in the procedures for screening tests.

e. The BAT shall transmit all results to the supervisor in a confidential manner.

Refusal by an employee to complete and sign the breath alcohol testing form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the BAT in the "Remarks" section of the form. The testing process shall be terminated and the BAT shall immediately notify the supervisor. (These actions constitute a "refusal" to be tested.)

In the event an employee is unable, or alleges that s/he is unable, to provide an amount of breath sufficient to permit a valid breath test because of a medical condition, the BAT shall again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to make the attempt, the BAT shall immediately inform the supervisor. If the employee attempts and fails to provide an adequate amount of breath, the supervisor shall direct the employee to obtain as soon as practical after the attempted test an evaluation from a licensed physician who is acceptable to the employer concerning the employee's medical ability or inability to provide an adequate amount of breath. If the physician determines in his/her reasonable medical judgment that a medical condition has, or with a high degree of probability could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. If a licensed physician is unable to make such a determination, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal.

Any action by the employee deemed to be a "refusal" will result in the immediate recommendation for termination from the position of bus driver, and the driver will be suspended without pay from the position of bus driver.

3. Drug Testing. Drug testing is conducted by analyzing a driver's urine specimen for the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine. The testing is a two (2) stage process requiring a split sample. First, a screening test is performed and, if it is positive for one or more of the drugs, then a confirmation test is performed for each identified drug. All drug test results are reviewed and interpreted by a medical review officer (MRO) before they are reported to the employer. Any unauthorized use of the drugs and controlled substances set forth herein are prohibited. The illicit use of drugs by safety-sensitive employees/drivers is prohibited on or off duty. As with an alcohol misuse violation, a subject employee will be removed from safety-sensitive duty if a positive drug test results. The removal will not take place until the MRO has interviewed the driver and determined that the positive drug test results are from the unauthorized use of a controlled substance and no other limited and/or legitimate medical use or explanation exists. If the employee's contract has not been terminated, the subject employee cannot be returned to his/her safety-sensitive duties until s/he has been evaluated by a substance abuse professional or MRO, has complied with recommended rehabilitation, and has a negative results on a return-to-duty drug test. Follow-up testing to monitor the subject employee's continued abstinence from drug use will be required.

To ensure that the appropriate chain of custody and specimen control are maintained, the collection of urine specimens will proceed as follows:

1. Upon the employee's arrival at the designated collection site, the collector will request the employee to provide positive identification. The employee will be required to complete a pre-test information form which serves as an identification document for the specimen collected. On the employee's copy of the form, the employee will be allowed to list prescription and non-prescription drugs currently being used (as a "memory jogger") which may affect the outcome of the test.

2. The collector will be of the same sex as the employee when direct observation is required. The employee will be required to remove any unnecessary outer garments and to leave outside the collection area any purses, briefcases, or similar items. The employee will be required to wash (with water only) and dry his/her hands before the test is administered. The employee will then remain in the presence of the collector and not have access to water fountains, faucets, soap dispensers, cleaning agents, or any other material which could be used to adulterate the specimen. Any transfer of the specimen from the collection container to another specimen bottle will be observed by the donor.

3. The donor shall urinate into a collection container or a specimen bottle capable of holding at least 45 ml. If a collection container is used, the collection site person, in the presence of the donor, shall pour the urine into two specimen bottles. Thirty (30) ml. shall be poured into one bottle to be used as the primary specimen, and at least fifteen (15) ml. shall be poured into the other bottle to be used as the split specimen. Both bottles shall be shipped in a single shipping container together with copies one, two, and the split specimen copy of the chain of custody form to the laboratory.

4. If the test result of the primary specimen is positive, the employee may request that the medical review officer (MRO) direct that the split specimen be tested in a different Department of Health and Human Services (DHHS)-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request if it is made within seventy-two (72) hours of the employee's having been notified of a verified positive test result. When the MRO informs the laboratory in writing that the employee has requested a test of the split specimen, the laboratory shall forward to a different DHHS-approved laboratory the split specimen bottle, with seal intact, a copy of the MRO request, and the split specimen copy of the chain of custody form with appropriate chain of custody entries. The result of the test of the split specimen shall then be transmitted by the second laboratory to the MRO. The cost of the additional testing will be borne by the employee.

5. Any action required by DOT agency regulations as a result of a positive drug test (i.e., removal from performing a safety-sensitive function) is not stayed pending the result of the test of the split specimen. If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test, and report the cancellation and the reasons for it to the DOT, the employer, and the employee.

6. Any employee required to submit a specimen pursuant to random employee testing, reasonable suspicion testing, and/or post-accident testing, will be required to submit a urine sample before being relieved of duty. Employees covered under these three sections who do not produce an adequate specimen will be in violation of this policy and subject to disciplinary action including, but not limited to, suspension without pay and/or termination from the position of bus driver.

7. The identification label(s) on the specimen bottle shall contain the date of collection and required identifying information. The employee providing the specimen shall initial the label on the specimen bottle, using initials corresponding with the name on the chain of custody form. The employee providing the specimen will be asked to read and sign a certification statement certifying that the urine in the specimen bottles came from his/her body at the time of collection. Refusal to sign this statement will be noted on the certification statement form by the collector. Refusal to sign this statement, without justification, may result in disciplinary action up to and including termination from the position of bus driver.

8. Upon notification by the drug program collector that an employee has failed to appear for his/her scheduled collection, the supervisor will discuss with the employee the reason(s) for failing to appear. If the employee provides a legitimate reason for failing to report, no disciplinary action will be taken. If the employee does not provide a legitimate reason for failing to report, disciplinary action including, but not limited to, suspension without pay and/or termination from the position of bus driver may be taken.

9. In the event an employee refuses to provide a specimen, the drug program collector and/or the employee's supervisor shall advise the employee that refusal to provide a specimen shall result in a

recommendation of termination from the position of bus driver. In the event the employee still refuses to provide a specimen, the employee will be recommended for termination from the position of bus driver.

10. In the event an employee fails to provide a sufficient quantity of urine (i.e., at least 45 ml.), the drug program collector and/or the employee's supervisor will meet with the employee to see if s/he has a legitimate reason for not providing a sufficient specimen. If the employee has a legitimate reason, s/he will be required to take the drug test within eight (8) hours. If the employee does not have a legitimate reason, the employee will be recommended for suspension or termination from the position of bus driver.

11. All applicants and employees have the right to refuse to undergo drug testing as provided herein. Applicants who refuse to undergo such testing will be denied employment. Employees who refuse to undergo such testing will be recommended for termination from the position of bus driver.

Drivers shall notify the supervisor if at any time they are using medication which can adversely affect driving which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a bus.

All employees and job applicants for positions involving bus driving will be advised of Albany County School District One's drug testing policy. Notice of the policy will be posted on employee bulletin boards and will be available for job applicants and employees to review. Each driver shall sign a statement certifying that s/he has read this policy. Any employee may appeal his termination or other disciplinary action taken under this policy to the extent and in the manner any such appeal is authorized by Board policy and/or appropriate state law.