In order to enhance highway transportation safety, Congress passed the omnibus Transportation Employee Testing Act of 1991, which requires drivers of commercial vehicles to be tested for the use of controlled substances and alcohol misuse. The implementation date was January 1, 1996 for employers with fewer than 50 drivers. These procedures cover only drivers of commercial vehicles who are subject to commercial drivers’ license requirements. This includes drivers of school buses but not drivers of NCSSM vans, state cars or personal vehicles, who are not subject to a commercial license. Besides individuals hired specifically to drive buses, these procedures cover coaches, teachers, administrators and volunteers, however infrequently they may drive.

Commercial vehicles are those designed to transport 16 or more persons including the driver or have a gross weight of 26,001 or more pounds.

Procedure

The State of North Carolina through the Office of State Personnel will contract with an established and qualified vendor to administer and conduct a controlled substances and alcohol testing program for a consortium of North Carolina State agencies, or which NCSSM is a member. Alcohol testing consists of an employee providing a breath specimen through the use of a Breathalyzer at an approved facility. Controlled substance testing consists of an employee providing a urine specimen for urinalysis at an approved facility. Controlled substance testing will be performed for the following types of drugs: marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. Approved collection sites will be available within the city limits of Durham, Raleigh, and Chapel Hill.

While these procedures apply only to bus drivers, all NCSSM employees are expected to comply with the Policy on Substance Abuse adopted July 1, 1988 by the Board of Trustees. Violation of that policy subjects the employee to referral for treatment and possible disciplinary action in accordance with NCSSM disciplinary procedures.

NCSSM Responsibilities

It is the responsibility of the Campus Resources Department to notify the Human Resources Office of any NCSSM employees or applicants, including those hired on a Personal Services Contract or hired for other primary responsibilities, who will be subject to these procedures.

The Office of Human Resources will coordinate the tests with the vendor, serve as the designated contact to receive the test results from the vendor, and administer the billing. The test results will be communicated to the hiring department as soon as they are received from the vendor.
Any employee or applicant who tests positive for controlled substances or has a blood alcohol level of 0.04 or greater will not be permitted to report for duty or remain on duty. He or she will be subject to evaluation by the State Employee Assistance Program and must complete any recommended treatment or testing before returning to work. If the blood alcohol level is 0.02 but less than 0.04, the driver may not report for duty for 24 hours and is subject to a return-to-duty evaluation.

Vendor Responsibilities

1. The vendor will communicate to the Medical Review Officer negative test results within 24 hours and positive test results within 48 hours. The Medical Review Officer will verify the results and notify the NCSSM Human Resources Office within 24 hours.

2. The vendor will submit quarterly reports of results and monthly summaries in compliance with the record keeping requirements.

3. The vendor will remain current on any changes in the requirements and update the consortium members within a reasonable time.

4. The vendor will provide technical assistance, all necessary testing equipment and personnel, and proper documentation and storage of test results.

5. The vendor will conduct the following breath alcohol and urine specimen tests:
   
a. Pre-employment -- required for anyone hired specifically to drive a school bus. This does not include coaches, teachers or administrators. However, they must be tested before actually driving a school bus.

b. Random -- random tests are required at the rate of 25 percent of the average number of consortium drivers per year. Each driver must have an equal chance of being tested. The tests must take place immediately before, after or during the driver's on-duty time.

c. Reasonable Suspicion -- a driver must be tested if there is a reasonable suspicion of a drug or alcohol violation occurring immediately before, during or after the on-duty time. Factors to consider include appearance, behavior, speech or body odors of the driver.

d. Post Accident -- a driver must be tested after an accident that either causes a fatality or in which the driver was cited for a moving traffic violation and either the vehicle was towed from the scene or a victim required medical care.

Employee Responsibilities
The employee is responsible for compliance with these procedures and must not misuse alcohol or use controlled substances as defined below.

1. Alcohol misuse is defined as follows:
   a. Use of alcohol at the time of performing job duties;
   b. Use of alcohol within four (4) hours of performing job duties;
   c. Use of alcohol after an accident before post-accident testing can be performed or before eight (8) hours, whichever comes first;
   d. A confirmed positive test with a Breathalyzer reading of 0.04 or higher; or
   e. Refusal to submit to alcohol testing.

2. Controlled substance use is defined as follows:
   a. Using any controlled substance, except a substance prescribed by a physician along with the advice that it does not interfere with the ability to perform the employee’s job duties; or
   b. A verified positive test for a controlled substance.

Penalties

1. A covered driver or employer who violates these requirements is subject to civil penalties of up to $10,000, even though the violation may be the first offense.

2. Drivers who engage in prohibited acts must undergo evaluation by the State Employee Assistance Program and complete any recommended treatment and receive a negative Breathalyzer test of less that 0.02 before again driving a school bus. Violators may also be subject to appropriate disciplinary action.