

## EDUCATIONAL MATERIALS FOR SCHOOL BUS DRIVERS

Maggie L. Walker Governor's School is committed to a drug and alcohol free environment. Use of alcohol or the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on school premises, engaged in school business, while operating a school vehicle or other equipment, or while operating under the authority or in the employment of Maggie L. Walker Governor's School is strictly prohibited. The purpose of issued policy and procedures is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

Any employee found violating Policy No. 5013-Drug and Alcohol Free Workplace will be subjected to disciplinary action up to and including termination, solely at the option of the Maggie L. Walker Governor's School.

The VDOT also requires employers to provide drivers with educational materials that explain the VDOT regulations regarding drug and alcohol abuse. This policy includes the procedures for meeting those regulations along with the educational information concerning the effects of alcohol and controlled substance use.

The VA Department of Transportation, VDOT, requires that each driver sign a statement certifying that he/she has received a copy of the materials in this policy and procedure. The employer shall maintain the original signed certificate and may provide a copy to the driver. This receipt is found on the last page of these materials. Refusal to sign this receipt may result in termination or disqualification from employment if a new hire. **YOU MUST READ BEFORE SIGNING.**

### **Orientation of New Driver Personnel**

An orientation for all new drivers will be held by the Activities Director to provide information about personnel policies and schedules affecting employees.

In accordance with Section 22.1-296.2 of the Code of Virginia, any individual who accepts a position after July 1, 1993, shall be required to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. In addition, consent to conduct a background investigation on the same individual through Child Protective Services Central Registry will be required.

### **Prohibited Driver Conduct**

#### *A. Alcohol concentration*

A driver is prohibited from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employee or manager having actual knowledge that a driver has an alcohol

content of 0.04 or greater shall permit a driver to perform or continue to perform safety sensitive functions.

Drivers are prohibited from performing safety-sensitive functions for 24 hours following an alcohol test result indicating an alcohol concentration of 0.02 or greater but less than 0.04.

In addition to other penalties that may apply under Virginia's DWI laws, a commercial driver who commits a first DWI while driving any vehicle will be disqualified from driving a commercial vehicle for one year. If, however, the driver was operating a commercial vehicle and transporting hazardous materials at the time, the disqualification period is three years. A commercial driver who commits a second DWI while driving any vehicle within a 10-year period will be disqualified from driving a commercial vehicle for life, which may or may not be reduced to a period of not less than 10 years.

*B. Alcohol possession*

A driver is prohibited from being on duty or operating a commercial motor vehicle while the driver possesses alcohol. Employees or managers having actual knowledge that a driver possesses unmanifested alcohol may not permit a driver to drive or continue to drive a commercial vehicle.

*C. On-duty use*

A driver is prohibited from using alcohol while performing safety-sensitive functions. No supervisor or manager having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.

*D. Pre-duty use*

A driver is prohibited from performing safety-sensitive functions within four (4) hours after using alcohol. No employee or manager having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety sensitive functions. (NOTE: Employees are cautioned that refraining from alcohol for four (4) hours before reporting for duty may not result in a negative test).

*E. Use following an accident*

A driver required to take a post-accident alcohol test is prohibited from using alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

*F. Refusal to submit to a required alcohol or controlled substances test*

A driver is prohibited from refusing to submit to a post-accident, random, reasonable suspicion, return-to-duty or follow-up alcohol or controlled substances test required under the law. No manager shall permit a driver who refuses to submit to such test to perform or continue to perform safety-sensitive functions.

Virginia's implied consent statute requires all persons who operate a vehicle in the state to consent to a breath or blood tests if requested to do so by an officer. The officer must have lawfully arrested the driver for DWI prior to testing and the officer is supposed to request a breath test—rather than blood test—if available. Drivers who refuse a test in violation of the law face license penalties and possible fines.

#### *Consequences of Refusal*

**Breath Tests.** Refusal of a lawfully requested breath test is a civil offense and carries a one-year license suspension. A driver who has a prior test refusal or DWI conviction in the last ten years will be guilty of a misdemeanor. A second-offense refusal carries up to one year in jail, up to \$2,500 in fines, and a three-year license suspension.

**Blood tests.** Refusal to submit to a lawfully requested blood test is a civil offense and carries one-year license suspension. A driver with prior DWIs or refusals will not be jailed for refusing a blood test but faces a three-year suspension.

The suspension related to a test refusal will run consecutively with any other DWI-related license penalty (a DWI conviction results in suspension also). Additionally, drivers are not eligible for restricted license privileges during a refusal-related suspension.

#### *Appeal*

A driver can request that a test refusal suspension be reviewed by the local court to determine if the officer complied with all requirements. These requirements include the reading of rights and the presence of a lawful arrest.

#### *G. Controlled substances use*

1. A driver is prohibited from reporting for duty or remaining on duty when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect their ability to safely perform their duties.
2. No employee or manager having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.

#### *H. Controlled substances testing*

A driver is prohibited from reporting for duty, remaining on duty, or performing a safety sensitive function if the driver tests positive for controlled substances. No employee or manager having actual knowledge that a driver has tested positive for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

#### *I. Prohibition on texting and use of handheld mobile telephone*

No person driving a commercial motor vehicle shall text or use a handheld mobile telephone while driving such vehicle.

## **Definitions**

The following words and phrases shall have the meanings respectively ascribed to them.

"Driving" means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

"Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 C.F.R. § 20.3. "Mobile telephone" does not include two-way or citizens band radio services.

"Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication. "Texting" does not include inputting, selecting, or reading information on a global positioning system or navigation system; pressing a single button to initiate or terminate a voice communication using a telephone; or using a device capable of performing multiple for a purpose that is not otherwise prohibited.

"Use a handheld mobile telephone" means using at least one hand to hold a mobile telephone to conduct a voice communication; dialing or answering a mobile telephone by pressing more than a single button; or reaching for a mobile telephone in a manner that requires a driver to maneuver so that he is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

## **Personal Violations**

The Motor Carrier Safety Improvement Act of 1999 states that drivers with a CDL will have their CDL disqualified if they are convicted of certain types of moving violations in their personal vehicle. These may occur if: (1) a driver loses his license to operate his personal vehicle, whether by having it suspended, canceled or revoked, and the cause was a serious speeding violating, he will lose his CDL from somewhere between 60 and 120 days, and (2) the personal vehicle license is revoked, suspended or canceled due to an alcohol violation, the CDL will be lost for one year. The CDL will be lost for life if the driver receives a second alcohol conviction, even if the offense was committed in is personal car. Something called a "hardship" license to operate a CMV exists, but drivers may not obtain one of these if they have lost their license to operate personal vehicles. If you are convicted of any traffic violation other than parking violations, regardless of what type of vehicle you are driving, you must tell your Maggie L. Walker Governor's School manager of that within 30 days.

Adopted: October 15, 2020

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Legal Ref: 49 CFR 382.601

Ref: Policy No. 5013 Drug and Alcohol Free Workplace

<b>Certification of Receipt of Substance Abuse Policy</b>
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I certify that I have received a copy of the Maggie L. Walker Governor’s School Policy No. 5013-Drug and Alcohol Free Workplace and other educational and training materials which the school is required to provide in accordance with 49 CFR 382.601.

Furthermore, I agree that I am responsible for reading, understanding and obeying all current school policies and VDOT regulations regarding alcohol and drug use testing and all future changes in or additions to those policies and regulations as they may be adopted by the school. I further understand and agree that I will be subject to disciplinary action up to and including termination, solely at the option of the school, and other liability for violating VDOT regulations and/or school policies. I understand that in the event of a positive test, I am responsible to follow up with the Substance Abuse Professional (SAP) in order to return to work in a safety sensitive position here or anywhere in the United States.

Prior to signing this Receipt, I have read it carefully and any questions I had regarding the above materials and/or this form have been answered to my satisfaction.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Supervisor/Witness’s Signature: \_\_\_\_\_

This certification will be maintained in the physical or digital personnel file.