Drug Testing of Bus Drivers

Supplement to State Rules—

The State Board of Education has promulgated a mandatory rule requiring drug tests of certain employees under certain conditions pursuant to the Omnibus Transportation Employee Testing Act of 1991 and the Rules and Regulations of the Department of Transportation, 49 U.S.C. § 31306, 49 CFR Parts 382, 391, 392 and 395, governing all employees who are required as a part of their employment duties to obtain commercial driver's licenses. This policy is intended to supplement the State Board rules regarding drug testing. The State Board rule is incorporated into this policy by this reference.

49 U.S.C. § 31306 Pupil Transportation Drug and Alcohol Testing Policies and Procedures Employee Handbook Pupil Transportation Drug and Alcohol Testing Policies and Procedures Supervisor Supplement Handbook

Drug Program Coordinators—

The District hereby appoints the District Pupil Transportation Supervisor or designee to act as the Drug Program Coordinator and the Human Resources Manager or designee to act as the Alternate Drug Program Coordinator. The Drug Program Coordinator shall also act as the site coordinator for purposes of observing, collecting, and organizing and maintaining test data.

Conditions of Employment—

All employees of the District who are required by their job duties to obtain and maintain a commercial driver's license or who will be employed in a safety sensitive position as defined in this Policy must, as a condition of initial and continued

employment within the District: 1. Abide by the provisions of the District's Drug Policies; 2. Notify the District Pupil Transportation Supervisor of any criminal drug or alcohol related

conviction no later than five (5) working days after such conviction; 3. Notify the District Pupil Transportation Supervisor of any revocation or confiscation of the

Commercial Driver's License; 4. Consent to the District releasing to any other school district records of a positive test or a

refusal to be tested.

Confidentiality of Tests—

All employees must refrain from disclosing any information about testing times or dates to forewarn potential test selectees. Any employee who violates this provision may be terminated for cause.

Tests to be Conducted—

Employees of the District shall be tested under the following provisions: 1. All employees required to hold a commercial driver's license shall be tested as provided in

the State Board of Education rules; 2. Any employee may be tested whenever an accident causing bodily injury occurs within the

scope of employment where it appears that drugs or alcohol may have been a contributing factor. All such tests shall be conducted within eight (8) hours after the accident; 3. Any employee may be tested for drugs or alcohol where there is a reasonable suspicion

that an employee may be using alcohol, illegal drugs, or may be under the influence of illegal drugs or alcohol while on the job.

Reasonable Suspicion Documentation—

Prior to conducting any tests for drugs or alcohol, based upon a suspicion of use the Drug Program Coordinator or the Alternate must articulate in writing specific facts any reasonable inferences drawn from those facts and which lead to a reasonable suspicion that an employee is using or under the influence of alcohol or illegal drugs.

Utah Code § 34-41-102(3) (2025) Utah Code § 34-41-101(10) (2026)

Reasonable Suspicion—

A "reasonable suspicion" means an articulated belief based on the recorded specific facts and reasonable inferences drawn from those facts that indicate that a school district employee is using or is under the influence of drugs or alcohol.

Utah Code § 34-41-101(10) (2026)

Safety Sensitive Position—

A "safety sensitive position" means all persons required by their job duties to maintain a commercial class driver's license, including all bus drivers, mechanics and any other employee involved in transporting students within the scope of employment.

Utah Code § 34-41-101(12) (2026)

Scope of Employment—

An action is within the "scope of employment" if it is part of any actions for which an employee is remunerated or performs by reason of employment in the District.

Verification of Tests—

Before the result of any test may be used as a basis for any adverse employment action, the District shall verify or confirm any positive initial screening test by gas chromatography, gas chromatograph-mass spectroscopy, or other

comparable analytic methods. In addition, the employee testing positive shall be notified by telephone and in writing at the last known address and telephone number of the positive test result and, for a urine test, where a new test may be obtained if the employee desires to undergo a second test and requests it within 72 hours of the notice.

Utah Code § 34-41-103(7) (2026) Utah Code § 34-41-104(4) (2026)

Positive Test of Safety Sensitive Position While on Duty—

Any employee who holds a safety sensitive position who tests positive while acting within the scope of job duties shall be terminated for cause.

Positive Test of Other Employees—

Compliance with the District's drug policies is a condition of continued employment within the District. The District shall terminate any employee who tests positive for alcohol or illegal drugs while acting within the scope of job duties unless:

1. The employee has voluntarily disclosed a need for counseling or rehabilitation from

alcoholism or drug dependence prior to the test; and 2. The employee has agreed to enroll at his or her expense into a rehabilitation, treatment, or

counseling program approved by the District. *Utah Code § 34-41-105(2) (2025)*

Any employee in a rehabilitation or treatment program who is not in a safety sensitive position may be suspended without pay, placed on probation, or terminated for cause within the discretion of the Superintendent of Schools and/or the Board of Education.

Test Procedures—

All tests shall be conducted pursuant to the procedures established in the State Board of Education Rules.

Compensation for Test Time—

All tests performed by the District shall occur during or immediately after the regular work period of the employee and shall be considered as work time for purposes of compensation and benefits.

Utah Code § 34-41-104(5) (2026)

The District shall bear the costs of all sample collection and initial testing for alcohol or drugs at the request of the District, including any costs for transportation to the test site if conducted at a place other than the workplace. The costs of testing a second urine sample will be equally divided between the District and the employee.

Utah Code § 34-41-103(8) (2026) Utah Code § 34-41-104(6) (2026)