

BUS DRIVER REQUIREMENTS, TRAINING, AND RESPONSIBILITIES

Bus drivers and support staff employed by the District or employed by contractors who provide transportation services to the District shall comply with applicable provisions of the Commercial Motor Vehicle Safety Act of 1986 as revised and all applicable requirements of the state of New Mexico. Additionally, bus drivers and bus support personnel, where appropriate, shall perform their duties in a safe and efficient manner in accord with federal, state, and local statutes and regulations, department regulations, and district policies. Regulations 6.41.4.11 NMAC through 6.41.4.13 NMAC are made a part of this policy by reference as a means of emphasizing safety, records requirements, and safety equipment as they apply to all drivers and assistants.

Bus drivers and substitutes shall also maintain and provide their employer with a copy of the following:

- a current CDL with appropriate class and endorsements;
- a current DOT medical examiner's certificate in compliance with federal and state CDL licensing requirements;
- a driving record obtained through the New Mexico motor vehicle division or the national driver register or other states' motor vehicle division and printed annually; and
- a current first aid and CPR certificate which has been obtained from a course approved by the department.

The holder of a CDL who has violated an alcohol and controlled substance prohibition must notify in writing all current employers of such violations (if employer did or will not administer a test) before the end of the business day following the day the employee received notice and before performing a safety-sensitive function. [49 CFR 383.415].

School bus assistants and substitute assistants shall maintain and provide their employer with a copy of the following:

- a current first aid and CPR certificate pursuant to the requirements in Paragraph A of 6.41.4.13 NMAC; and
- a physical examination renewed every 24 months from the date of the last examination or before as specified by a licensed medical professional.

Required Consent

No employer may permit a driver to perform a safety-sensitive function if the driver refuses to grant the consent required. In order for the District to obtain access to the driver's records from previous employers and the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database of the Federal Motor Carrier Safety Administration (FMCSA), for employment and verification, the driver applicant or employee must complete a notarized consent form and submit an electronic consent to the Clearinghouse granting the District access to the

specific records identified below:

- A verified positive, adulterated, or substituted controlled substances test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to a test in violation of § 382.211;
- A employer's report of actual knowledge, as defined at § 382.107, of:
 - On duty alcohol use pursuant to § 383.205;
 - Pre-duty alcohol use pursuant to § 383.207;
 - Alcohol use following an accident pursuant to § 383.209; and
 - Controlled substance use pursuant to § 383.213;
- A substance abuse professional's (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.

A driver granting consent under this section grants consent for the FMCSA to release information to an employer in accordance with § 383.701 (c).

The District may obtain the individual's driver's consent to conduct a limited query to satisfy the annual query requirement which will tell the District whether there is information about the individual driver in the Clearinghouse, but such consent will not release that information to the employer. [49 CFR 382.701]

Inservice Training: To remain qualified, school bus drivers, substitute school bus drivers, school bus assistants, and substitute school bus assistants shall complete a total of eight hours per semester of in-service training that has been approved by the transportation administrator. Persons who do not complete the required hours of in-service training are disqualified from duty until those hours of in-service training are completed.

Adopted: date of manual adoption

LEGAL REF.: 6.41.4.11 NMAC
6.41.4.12 NMAC
6.41.4.13 NMAC

CROSS REF.: EE – Transportation Services
EEA – Student Transportation
EEAE – Bus Safety Program
EEAEAA – Drug and Alcohol Testing of Transportation Employees