

# POLICY

2011

6153

Personnel

**SUBJECT: CONTROLLED SUBSTANCE AND ALCOHOL TESTING FOR TRANSPORTATION EMPLOYEES**

The U.S. Department of Transportation (the "DOT") has issued regulations (49 CFR parts 40, 382, 391, 392 and 395) (the "Regulations") pursuant to the Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143) (the "Omnibus Act") which govern the use of drugs and alcohol by commercial motor vehicle drivers, and which also require the Vestal Central School District (the "District") to conduct mandatory drug and alcohol testing of covered drivers. The Regulations require testing to begin on January 1, 1995.

It is the District's intention to comply fully with the Omnibus Act and DOT's regulations governing drug and alcohol use and testing, and the requirements of the DOT's regulations are hereby incorporated into this Policy. In the event DOT's regulations are amended, this Policy and the applicable term(s), condition(s) and/or requirement(s) of this Policy will be deemed to have been amended automatically at that time without the need for redrafting, in order to reflect and be consistent with DOT's regulations. In such case, the District reserves the right to apply the amended requirements immediately, and without giving prior notice to drivers and/or applicants, unless such notice is required by DOT, another applicable law, or a collective bargaining agreement. The District also intends to comply with the applicable requirements of the Drug-Free Workplace Act of 1988, the Drug Free Schools and Communities Act, the Americans With Disabilities Act, the Family and Medical Leave Act, the Rehabilitation Act 504 and the New York State Human Rights Law.

The Superintendent/designee will promulgate administrative regulations to implement this policy and comply with the Omnibus Act, the Regulations and other applicable law and collective bargaining agreements.

The Superintendent/designee will also develop Drug and Alcohol Testing Educational Material that complies with 49 CFR part 382, subpart F, for distribution to covered employees as required by the Regulations.

The Superintendent/designee will provide written notice to the bus drivers' union of the adoption of this policy and of any administrative regulations hereunder, and of the availability of the Educational Materials required by the DOT.

The Superintendent/designee will identify and retain an appropriate medical review officer.

The Superintendent/designee will arrange for training of all supervisors who may be called upon to determine whether reasonable suspicion exists to test a driver for alcohol misuse or controlled substance use.

Any violation of this Policy, other applicable District Policies, the District's Administrative Regulations, the Drug and Alcohol Testing Educational Material, the Omnibus Act or DOT Regulations by a covered employee will be grounds for disciplinary action, up to and including discharge, in a manner consistent with the District's pre-existing policies, regulations, any applicable laws and any applicable collective bargaining agreement.

The Superintendent/designee will also provide for an informal administrative appeal process whereby a covered employee may appeal a positive alcohol test and/or controlled substance test. Said process will not interfere with DOT-mandated actions (e.g. removal from safety-sensitive functions).

Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143) 49 CFR parts 40, 382,392,392 and 395)

Adopted 5/10/11