

Controlled Substance and Alcohol Testing

The U.S. Department of Transportation (D.O.T.) has issued regulations 49 CFR Parts 40, 382, 391, 392 and 395 (regulations) pursuant to the Omnibus Transportation Employee Testing Act of 1991 - P.L. 102-143 (Omnibus Act), which govern the use of drugs and alcohol by commercial motor vehicle drivers and which also require the Chenango Valley Central School District (district) to conduct mandatory drug and alcohol testing of covered drivers and safety sensitive employees. The regulations were enacted on January 1, 1996.

It is the district's intention to comply fully with the Omnibus Act and D.O.T.'s regulations governing drug and alcohol use and testing, and the requirements of the D.O.T.'s regulations are hereby incorporated into this policy. In the event D.O.T.'s regulations are amended, this policy and the applicable term(s), condition(s), and/or requirement(s) of this policy shall be deemed to have been amended automatically at that time without the need for redrafting in order to reflect and be consistent with D.O.T.'s regulations. In such case, the district reserves the right to apply the amended requirements immediately and without giving prior notice to drivers, safety sensitive employees and/or applicants unless such notice is required by D.O.T. or another applicable law. 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 shall implement this policy and comply with the Omnibus Act, the regulations and other applicable laws and collective bargaining agreements. The Superintendent shall 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 or his/her designee shall provide written notice to the Chenango Valley Support Staff Association and of the availability of the educational materials required by the D.O.T.

The Medical Review Officer for the district shall be selected by MRO, Inc. or such agency as may be designated by the Board from time to time.

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

Any violations of this policy, the Drug and Alcohol Testing Educational material, the Omnibus Act or D.O.T. regulations by a covered employee shall be grounds for disciplinary action up to and including discharge in a manner consistent with the district's pre-existing policies, practices and any other applicable collective bargaining agreement. The Superintendent shall 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 shall not interfere with D.O.T. mandated actions (e.g. removal from safety sensitive functions).