

5741	Controlled Substance and Alcohol Testing
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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 school districts to conduct mandatory drug and alcohol testing of covered drivers and others performing safety-sensitive transportation duties, effective January 1, 1995.

It is the Ballston Spa Central School 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 the policy. In the event that DOT’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 DOT’s regulation. In such case, the District reserves the right to apply the amended requirements immediately, and without giving prior notice to drivers or others performing safety-sensitive transportation duties and/or applicants, unless such notice is required by DOT 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 Community Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Rehabilitation Act Section 504 and the New York State Human Rights Law.

- a. The Superintendent of Schools or his/her designee shall promulgate administrative regulations to implement this policy and comply with the Omnibus Act, the Regulations and other applicable laws and collective bargaining agreements.
- b. The Superintendent of Schools or his/her designee shall arrange for training of all supervisors who may be called upon to determine whether reasonable suspicion exists to test a driver or others performing safety-sensitive transportation duties for alcohol misuse or controlled substance use.
- c. Any violation of this Policy, the District’s Administrative Regulations, the Drug and Alcohol Testing Educational Material, the Omnibus Act or DOT 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 applicable collective bargaining agreement.
- d. The Superintendent of Schools or his/her designee 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

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shall not interfere with DOT-mandated actions. (e.g., removal from safety-sensitive functions).

*Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 USC
Sections 31136 and 31306
49 CFR Parts 40, 172, 382, 383, 391, 392 and 395
Vehicle and Traffic Law Section 509-L*

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