

DRUG AND ALCOHOL TESTING: TRANSPORTATION EMPLOYEES

POLICY

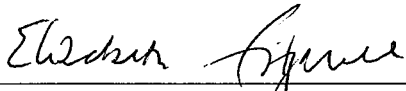
The South Burlington School District will comply with state and federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers. The Superintendent or his or her designee will implement procedures to conduct alcohol and drug tests for all safety sensitive transportation employees as required by the federal Omnibus Transportation Employee Testing Act of 1991 and the provisions of Subchapter 11 of Title 21 of the Vermont Statutes Annotated.

Date Revised Policy Warned: May 15, 2019

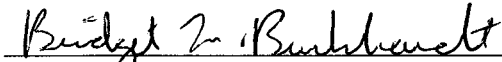
Date Revised Policy Considered: June 19, 2019

Date Revised Policy Adopted: July 10, 2019

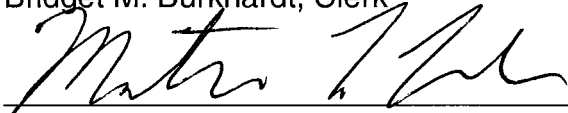
Signed:



Elizabeth E. Fitzgerald, Chair



Bridget M. Burkhardt, Clerk



Martin J. LaLonde

Alex B. McHenry



Brian Minier

AUTHORITY AND CROSS REFERENCE

Legal References

49 U.S.C. §§ 5331, 31306 (Omnibus Transportation Employee Testing Act of 1991)

49 C.F.R. Parts 40, 382, 391, 392, 395 and 653

21 V.S.A. 511 et seq.

21 V.S.A. 514(2) requires employers who intend to require drug tests of employees to "...provide all persons tested with a written policy that identifies the circumstances under which persons may be required to submit to drug tests, the particular test procedures, the drugs that will be screened, a statement that over-the-counter medications and other substances may result in a positive test and the consequences of a positive test result. The employer's policy shall incorporate all provisions of this section."

The federal requirement for a policy is not as clear. 49 C.F.R. 382.601 is titled "(E)mmployer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances..." The text of the regulation, however, refers only to "informational materials." It appears that the predominant belief is that the federal regulations do require an employer "policy," and models are included in many model policy manuals.

See 49 C. F. R. 40.3 and 40.15

See 49 C.F.R. 382.107 for definition of safety sensitive functions

These are the drugs listed in the federal "Procedures for Transportation Workplace Drug and Alcohol Programs. 49 C.F.R. Part 40.3. Note that Vermont law allows testing for drugs listed in 21 V.S.A. 511(3).

49 U.S.C. 31306(b)

49 C.F.R. 40.23(c)

21 V.S.A. 514(2)

Federal Motor Carrier Safety Administration Procedures for Transportation Workplace Drug and Alcohol Testing Programs, <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/40.htm> Cross References

U.S. DOT web link to employee testing regulations and guidance:
http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html