

SUBJECT: DRUG AND ALCOHOL TESTING

By means of this policy, the BOCES acknowledges its commitment to the community and the children it serves, and its responsibility to assure that the children and employees of the BOCES are transported in a safe and responsible manner. The BOCES will establish an alcohol and drug testing program to help prevent accidents and injuries resulting from the misuse of alcohol and drugs by covered drivers of commercial motor vehicles, and directs the District Superintendent to develop Administrative Regulations including, but not limited to, compliance with the Department of Transportation (DOT) Regulations codified at 49 CFR Part 40 and 49 CFR Part 382, and pursuant to the Omnibus Transportation Act of 1991, enacted October 28, 1991.

This policy applies to all BOCES employees who operate commercial motor vehicles and are subject to the commercial drivers license (CDL) requirements established by the DOT and by the BOCES as a condition of employment.

The objectives of this policy include, but are not limited to the:

1. establishment of rules and procedures to deter all illegal drug use and deter on - duty, pre-duty and post-accident alcohol use, as well as on-duty alcohol impairment stemming from pre-duty use, for all covered drivers who perform safety sensitive functions.
2. detection and elimination of the possibility that covered drivers will perform safety sensitive functions after testing positive for alcohol or drugs.
3. compliance with applicable federal and state laws, including the Omnibus Transportation Act of 1991.
4. maintenance of a workplace free of drugs and alcohol.
5. informing employees through education, in-service training and other appropriate forums, about illegal drug use and alcohol misuse, the use, possession, distribution, and effect of such substances.
6. informing affected individuals of the conduct that is prohibited, the consequences of engaging in prohibited conduct, and the procedures BOCES has established to enforce prohibitions.

An employee's declination to perform safety sensitive functions prior to a notification to report for testing may result in referral to an evaluation and assistance program as may be established, but shall otherwise be without penalty.

Upon determination by the District Superintendent that the safety of students or staff could be further assured, the requirements and prohibitions may be extended to such functions, conditions, classes of employees or agents of the BOCES involved in student or staff transportation as are deemed appropriate.

Any violation of this Policy, the BOCES Administrative Regulation, 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 BOCES pre-existing policies, practices, and any applicable collective bargaining agreement.

DOT Regulations, 49
CFR Part 40 & Part
382 Omnibus Transp.
Employee Testing Act of 1991

Adopted: February 13, 2002