

POLICY

2016 5871
Non-Instructional/Business
Operations

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

“The Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143) (the "Act") requires employers, including School Districts, to conduct mandatory drug and alcohol testing of bus drivers and other employees performing safety-sensitive functions. The Federal Highway Administration (the "FHWA") has issued new regulations and amended existing regulations (49 C.F.R. parts 40, 382, 391 and 395) (the "Regulations") in order to implement the Act.

It is the District's intention to fully comply with the mandates of the Act and Regulations which are hereby incorporated into this policy. In the event that the Act and Regulations are amended by Congress and/or the FHWA, this Policy shall be deemed to have been amended accordingly at that time, without the need for redrafting. In such case, the District reserves the right to apply the amended requirements immediately, and without prior notice, unless such notice is required by the amended Act, FHWA regulations or another applicable law.

Prior to performing required testing on covered employees, the District shall provide each covered employee with educational materials that explain the requirements of the Act, the FHWA regulations, this policy and associated Administrative Regulations. The Superintendent or his/her designee shall provide written notice to the bus drivers' union of the availability of these educational materials.

Any violation of this policy, the District's Administrative Regulations, the Act or 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.

The Superintendent shall promulgate administrative regulations to implement this policy and comply with the Act and the Regulations.

Omnibus Transportation Employee Testing Act
of 1991 (P.L. 102-143)
49 United States Code (USC) Section 521(b)
49 Code of Federal Regulations (CFR) Parts
40, 382, 391, 392 and 395

Adopted: 1/8/96

Revised: 6/14/99, 9/26/2016