**SUBJECT: CONTROLLED SUBSTANCES AND ALCOHOL USE TESTING**

a) 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 the Susquehanna Valley School District (the "District") to conduct mandatory drug and alcohol testing of covered drivers. The Regulations require testing to begin on January 1, 1996.

b) It is the 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 this policy. In the event DOT's regulations are amended, this policy and the applicable term(s), conditions(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 regulations. In such case, the District reserves the right to apply the amended requirements immediately, and without giving prior notice to drivers 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 Communities 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.

c) The Superintendent shall promulgate administrative regulations to implement this policy and comply with the Omnibus Act, the Regulations and other applicable laws and agreements. Such regulations shall include but not be limited to a description of the kind of behavior that constitutes a refusal to take a test, the consequences of a refusal to test, and the consequences of a positive test.

d) The Superintendent in cooperation with the Supervisor of Transportation 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.

e) The Superintendent or his/her designee shall provide written notice to the Civil Service Employees Association Local 866 of the adoption of this policy and of any administrative regulations hereunder and of the availability of the Educational Materials required by the DOT.

f) The Medical Review Officer for the District shall be a doctor designated by the vendor providing the controlled substance and alcohol testing.

g) The Superintendent in cooperation with the Supervisor of Transportation shall arrange for training of all supervisors who may be called upon to determine whether reasonable suspicion exists to test a driver for alcohol misuse or controlled substance use.

(Continued)

**SUBJECT: CONTROLLED SUBSTANCES AND ALCOHOL USE TESTING (Cont'd.)**

h) Any violation of this policy, the District's 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 law, including Civil Service Law Section 75, if applicable.

i) 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 DOT-mandated actions (e.g., removal from safety-sensitive functions). Upon a final determination of a positive test result or upon refusal to submit to testing, a covered employee shall be subject to discharge in a manner consistent with the law including Civil Service Law Section 75, if applicable.

Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143)
49 Code of Federal Regulations (CFR) parts 40, 382, 391, 392, and 395)

Adopted: 6/15/11