

Marlboro: Drug & Alcohol Testing: Transportation Employees^[1]

**CODE D11
(Required)**

Updated 9/18/13

Policy

The Marlboro 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.

Date Warned: 11-4-13

Date Adopted: 12-2-13

Legal Reference(s): 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.*

Cross Reference:

^[1] The federal requirement for a policy is not crystal 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 predominate belief is that the federal regulations do require an employer “policy,” and models are included in many model policy manuals.

School districts or supervisory unions that provide transportation through contracts with outside entities should include in those contracts a requirement that the entity providing transportation comply with all of the federal and state requirements related to drug and alcohol testing of safety sensitive employees.