

COMMERCIAL DRIVER'S LICENSE (CDL)

The Board of Trustees of the NWBOCES has established the following Board policy in compliance with the Omnibus Transportation Employee Testing Act of 1991. This omnibus act requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, and mass transit industries. This act further requires all operators of commercial motor vehicles (CMV's) subject to commercial driver's license (CDL) requirements to be tested for controlled substances and alcohol.

Policy Overview

The purpose of this policy is to establish guidelines to meet the mandatory alcohol and drug testing requirements established through the Omnibus Transportation Employee Testing Act of 1991 for all school district employees/drivers required to have a commercial driver's license (CDL).

NWBOCES recognizes that the influence and/or use of drugs, including alcohol, is capable of threatening the safety, welfare, and well-being of both students and other employees and will not be tolerated. The possession, use, transfer, and-or sale of alcohol and/or any illegal drug or controlled substance while on duty or on any NWBOCES property is strictly prohibited. Being under the influence of alcohol and/or any illegal drug or controlled substance while on duty or otherwise contrary to the policies established herein is also strictly prohibited.

Alcohol Testing

Alcohol tests are required as follows: pre-employment screening, post-accident testing, for reasonable suspicion, on a random basis, and upon return to duty/follow-up. The specific alcohol-related conduct which prohibits performance of the subject employee's functions include having a breath alcohol concentration of 0.02% or greater, using alcohol while in the performance of the subject employee's duties, performance of the subject employee's duties or function within four (4) hours after using alcohol, refusing to submit to an alcohol test, and using alcohol within eight (8) hours after an accident or until tested.

Drug Testing

The drug testing rules cover the same employees as the alcohol testing rules, and the types of tests required are pre-employment, reasonable suspicion, post-accident, random, and return-to-duty/follow-up. All drug test results are reviewed and interpreted by a medical review officer (MRO) before they are reported to NWBOCES officials. Any unauthorized use of drugs or controlled substances set forth herein is prohibited. The illicit use of drugs by safety-sensitive employees/drivers is prohibited on or off duty.

Required Testing

The following test(s) will be required by NW BOCES of all employees subject to testing pursuant to this policy:

- A) Pre-Employment/Job Applicant Testing - All applicants for positions with NWBOCES requiring a CDL and/or otherwise covered by this policy will be required to undergo drug and/or alcohol screening prior to their employment.
- B) Random Employee Testing - To maintain the NW BOCES' priority of assuring the safety, health, and well-being of students, employees, and the traveling public, NWBOCES retains the right to randomly test for alcohol and/or illegal drugs all employees who are covered by and/or subject to this policy.
- C) Reasonable Suspicion Testing - Any supervisor of an employee subject to this policy who has reasonable suspicion that an employee under his/her supervision has violated the conditions of this policy relating to the use and/or possession of alcohol and/or controlled substances may require the employee to undergo a drug and/or alcohol test.
- D) Employee Post-Accident Testing - NWBOCES will require an employee to undergo drug and/or alcohol testing after an accident in which the employee was operating a vehicle owned, leased, or rented by NWBOCES if:

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[1] there is a fatality, and/or [2] one or more persons requires medical treatment either at or away from the accident scene, and/or [3] one of the vehicles must be towed from the scene or the property damage to any vehicle is estimated to be in excess of \$500.00, and/or [4] the NW BOCES employee receives a citation arising from the accident.

E)Return to Duty/Follow-up Testing - Any employee who is allowed to return to duty, either under this policy or any other NWBOCES policy, after engaging in conduct prohibited by this policy (i.e., following the abuse and/or untimely use of alcohol and/or controlled substances or drugs) will undergo a return-to-duty alcohol test, with a result indicating an alcohol concentration of less than 0.02%, and/or will undergo a return-to-duty controlled substance test, with a result indicating a verified negative result for illegal drug/controlled substance use.

Alcohol Testing

All alcohol breath tests will be conducted on an approved evidential breath testing device (FBT) by a trained breath alcohol technician (BAT).

Notification

All employees and job applicants will be advised of the NWBOCES controlled substances and alcohol program. Notice of the program will be posted on employee bulletin boards throughout the workplace, and copies of the program will be available for job applicants and employees to review. Any employee may appeal his/her termination or other disciplinary action taken under this policy to the extent and in the manner any such appeal is authorized by Board policy and/or appropriate state law.

Legal Reference: Omnibus Transportation Employee Testing Act of 1991

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