

**COMMON POLICY FOR FRANKLIN CENTRAL SUPERVISORY UNION  
ST. ALBANS TOWN EDUCATIONAL CENTER,  
ST. ALBANS CITY SCHOOL, FAIRFIELD CENTER SCHOOL,  
BELLOWS FREE ACADEMY UNION HIGH SCHOOL DISTRICT #48,  
AND NORTHWEST TECHNICAL CENTER**

**CODE: D11**  
**(MANDATORY)<sup>1</sup>**

**MANDATORY DRUG AND ALCOHOL TESTING:  
TRANSPORTATION EMPLOYEES**

**Policy**

The Franklin Central Supervisory Union and its member school districts will comply with the Omnibus Transportation Employee Testing Act of 1991 (Testing Act) and the provisions of Subchapter 11 of Title 21 of the Vermont Statutes Annotated.

**Administrative Responsibilities**

The Superintendent/designee will implement procedures to conduct alcohol and drug tests for all safety-sensitive transportation employees as required by the Testing Act. The Superintendent/designee may contract with a qualified service agent to provide testing services, clear and consistent communication with the district *Medical Review Officer (MRO)*, methodology and procedures for conducting random tests for controlled substances and alcohol, and preparation and submission of all required reports to the federal or state governments.

**D11 Transportation Employee Drug Testing Reference and Notes**

U.S. Dot web link to employee testing regulations and guidance:

[http://www.dot.gov/ost/dapc/NEW\\_DOCS/part40.html](http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html)

**Legal Reference:**

<sup>1</sup> 21 V.S.A. 514(2) requires employers who intend to require drug test of employees to "...provide all persons tested with a written policy that identifies the circumstances under which persons may be required to submit to drug tests, the particular test procedures, the drugs that will be screened, a statement that over-the-counter medications and other substances may result in a positive test and the consequences of a positive test result. The employer's policy shall incorporate all provisions of this section."

The federal requirements for a policy are not as 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 substance..." The text of the regulation, however, refers only to "informational materials." It appears that the predominant belief is that the federal regulations do require an employee "policy," and models are included in many model policy manuals.

<sup>2</sup> See 49 C.F.R. 382.107 for definition of safety-sensitive functions.

<sup>3</sup> These are the drugs listed in the federal “Procedures for Transportation Workplace Drug and Alcohol Programs.” 49 C.F.R. Part 40.3. Note that Vermont law allows testing for drugs listed in 21 V.S.A. 511(3).

<sup>4</sup> 49 C.F.R. 40.2 (c).

<sup>5</sup> 49 U.S.C. 31306(b)

<sup>6</sup> 21 V.S.A. 514(2).

<sup>7</sup> Federal Motor Carrier Safety Administration *Procedures for Transportation Workplace Drug and Alcohol Testing Programs*, <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/40.htm>.

	Fairfield	Town	City	BFA	FCSU
1 <sup>st</sup> Reading	10/18/10	10/13/10	10/13/10	11/10/10	03/16/11
2 <sup>nd</sup> Reading					
Date Warned:	11/26/10	10/29/10	10/29/10	11/26/10	12/06/10
Date Adopted:	12/13/10	11/10/10	11/10/10	12/14/10	03/16/11