



Controlled Substance And Alcohol Testing Policy For Employee-cmv Drivers

I. PURPOSE

WHEREAS Barrington Public Schools:

- Is required by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles; and
- Values its employees and recognizes each employee's need for a safe and healthy work environment and is committed to maintaining a safe workplace for its drivers and other users of the roadways that is free from illegal controlled substance use and misuse of alcohol; and
- Recognizes employees who use illegal controlled substances and abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to absenteeism, all of which potentially will result in increased accidents, costs, and risk to the Employer, its employees, and the general public.

Accordingly, **Barrington Public Schools** has amended its "Controlled Substance and Alcohol Testing Policy" in compliance with the following laws and regulations.

REGULATORY REFERENCES

U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration Regulations (FMCSA), 49 CFR Parts 382 et al as originally published February 15, 1994, Revised December 5, 2016, and including any subsequent amendments.

U.S. Department of Transportation's published 49 CFR Part 40 as originally published December 1, 1989, Revised August 8, 2016, and including any subsequent amendments.

PREEMPTION of State and Local Laws

1. Except as provided in paragraph (b) of this section, this part preempts any State or local law, rule, regulation, or order to the extent that:
 - a. Compliance with both the State or local requirement is not possible; or
 - b. Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.
2. This part shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers, or the general public.



OTHER REQUIREMENTS IMPOSED BY EMPLOYERS

Except as expressly provided in this part, nothing in this part shall be construed to affect the authority of employers, or the rights of drivers, with respect to the use of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation.

II. APPLICABILITY

The drivers subject to drug and alcohol testing under this Policy are those drivers required to have a Commercial Driver's License (CDL), and operate a Commercial Motor Vehicle (CMV) which is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

1. Has a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

(Includes the Licencia Federal de Conductor (Mexico) requirements and the commercial driver license requirements of the Canadian National Safety Code.)

Any school nurse-teacher or other school personnel using an opioid antagonist shall be protected from both civil and criminal liability pursuant to the provisions of chapter 28.9 of title 21 (the Good Samaritan overdose prevention act of 2016).



Exceptions: 49 CFR part 382 shall not apply to employers and their drivers: (1) Required to comply with the alcohol and/or controlled substances testing requirements of 49 CFR part 655 (Federal Transit Administration alcohol and controlled substances testing regulations); or (2) Who a State must waive from the requirements of 49 CFR part 383. These individuals include active-duty military personnel; members of the reserves; and members of the National Guard on active duty, including personnel on full-time national guard duty, personnel on part-time National Guard training and National Guard military technicians (civilians who are required to wear military uniforms), and active-duty U.S. Coast Guard personnel; or (3) Who a State has, at its discretion, exempted from the requirements of 49 CFR part 383.

Barrington Public Schools School Committee

EFFECTIVE & REVISION DATES:

First Read: 2/6/2020

Approved: 3/5/2020