

TOWN OF BERNE
TOWN BOARD RESOLUTION
Resolution No. 29 of 2026
Resolution Introduced by Supervisor Giebelhaus

**A RESOLUTION OF THE TOWN BOARD ADOPTING TOWN OF BERN DRUG AND
ALCOHOL POLICY 17 OF 2026**

WHEREAS, the Town of Berne employs individuals who perform safety-sensitive functions as defined under federal law; and

WHEREAS, the **Omnibus Transportation Employee Testing Act of 1991** and implementing regulations at **49 CFR Parts 40 and 382** require the adoption of a compliant drug and alcohol testing policy; and

WHEREAS, the Town Board desires to ensure public safety, employee safety, and full legal compliance while preserving employee rights under collective bargaining agreements, civil service law, and the Town of Berne Employee Handbook; and

WHEREAS, the proposed Drug & Alcohol Testing Policy includes Appendices A, B, C, D, E, F G, H & I safety sensitive functions, alcohol prohibitions, and supervisor reasonable suspicion, post-accident requirements, post-accident flow chart, federal grant compliance, cannabis law, supervisor cannabis law guide, and cannabis reasonable suspicion check list;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby adopts the Drug & Alcohol Testing Policy for DOT / CDL-covered employees, including all appendices thereto, effective _____; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to administer the Policy, designate testing providers, and ensure required supervisor training; and

BE IT FURTHER RESOLVED, that this Policy shall be administered consistent with collective bargaining agreements, the Town of Berne Employee Handbook, and applicable law, with federal law controlling in the event of conflict.

Passed by the following vote of all the Town Council Members elected voting in favor thereof:

Affirmative:

Negative:

Affirmative Vote Tally: _____ Negative Vote Tally: _____ Abstain: _____

Adopted this _____ day of _____, 2026

I, Kristin De Oliveria, Town Clerk of the Town of Berne, do hereby certify that Resolution 22 of 2026 was passed at a meeting of the Town of Board on _____ of 2026.

In affirmation there of, I hereto set my hand and affix The Seal of the Town of Berne this _____ day of _____, 2026.

Kristin De Oliveria, Town Clerk