

## **Drug and Alcohol Testing - Transportation Personnel**

The district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA).

Accordingly, all employees subject to commercial driver's license (CDL) requirements shall be prohibited from:

1. The use of drugs, unless a written prescription from a licensed doctor or osteopath is provided, including a statement advising that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
2. The use of alcohol, including:
  - a. While on duty;
  - b. Eight hours before driving in accordance with Oregon Administrative Rules;
  - c. Eight hours following an accident;
  - d. Consumption resulting in prohibited levels of alcohol in the system.

"Drugs" as used in this policy refers to controlled substances as covered by the OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered individuals offered employment with the district and district employees transferring to positions subject to the OTETA shall be required to submit to preemployment drug testing. Additionally, covered employees will be subject to reasonable suspicion, random and postaccident alcohol and drug testing. Return-to-duty and follow-up testing may also be required.

Preemployment drug testing costs will be paid for by the district. All drug and alcohol testing of district employees, including reasonable suspicion, random, postaccident, return-to-duty and follow-up testing costs, as applicable, will be paid for by the district. The district will comply with collective bargaining agreement provisions.

All offers of employment or transfer to covered positions with the district will be made contingent upon testing results. An individual who tests positive for drugs will not be hired or transferred. The offer of employment or transfer will be immediately withdrawn.

Applicants who refuse drug testing will be terminated from employment consideration immediately.

Covered employees who, under the district's reasonable suspicion, random, postaccident, return-to-duty or follow-up testing program, test positive for drugs or test with a breath alcohol content level of 0.02 or higher, will be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher. Notification of available resources for evaluation and treatment will be made as required by law. Additionally, employees may be subject to CDL prohibitions and penalties under the OTETA and applicable Federal Motor Carrier Safety Administration (FMCSA) regulations

END OF POLICY

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**Legal Reference(s):**

[ORS 657.176](#)

[OAR 581-053-0015 \(7\)\(u\)](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. Sections 31301-31317; 49 CFR Parts 40, 382 and 391-395 (2000).