

**Harney County
School District 3**

Code: **GBEDA**
Adopted: 11/09/04
Readopted: 4/09/13
Orig. Code(s): GBEDA

Drug and Alcohol Testing - Transportation Personnel

The district is dedicated to providing safe and dependable transportation for students. To assure that employees are not impaired in their ability to perform safety sensitive duties in a safe manner, the district establishes a “zero tolerance” policy regarding use of drugs or misuse of alcohol by 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;
 - e. The possession of alcohol or drugs while on duty.

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

“Alcohol” as used in this policy refers to any beverage, mixture or preparation, including any medication, containing alcohol.

All covered individuals offered employment with the district and district employees transferring to positions subject to 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 employee. 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 transferred¹. The offer of employment or transfer will be immediately withdrawn. An offer of employment or transfer will also be immediately withdrawn from any individual who refuses drug testing.

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

Legal Reference(s):

[ORS 657.176](#)

[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)

[OAR 581-053-0620\(1\)\(d\)](#)

[OAR 581-053-0220\(3\)\(h\)](#)

[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)

SB 193 (2013)

[OAR 581-053-0230\(9\)\(t\)](#)

[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2006).

Cross Reference(s):

EEACA - School Bus Driver Examination and Training

GCBD/GDBD - Personal Illness and Injury Leave

¹The district may elect to allow an individual who tests positive for drugs to reapply for district employment or transfer to a covered position at a later date. At the time, the individual will again be tested for the presence of drugs. A district employee considered for transfer to an OTETA-covered position who tests positive for drugs will be subject to all district policies and regulations including the district's Drug-Free Workplace policy.