

Hermiston School District 8R

Code: **GBED**

Adopted: 5/2/00

Revised/Readopted: 7/6/04, 5/3/05, 10/07/08

Orig. Code(s): GBED

Medical Examinations/Drug Testing

The district may require medical examinations after an employment offer has been made to a job applicant and before the applicant begins his/her employment duties. Any such requirement will ensure that all entering employees in the same job category will complete a medical examination regardless of disability.

All offers of employment may be made contingent on medical examination results.

Medical examinations will be conducted by a health-care professional or health-care provider selected by the district. District-required preemployment medical examination expenses will be paid by the district.

The successful applicant must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The district may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy certain employment criteria under the following conditions:

1. The exclusionary criteria as job related and consistent with business necessity;
2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;
3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;
4. The requested or necessary accommodation would impose an undue hardship on the district unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitutes an undue hardship or of personally providing the accommodation.

Offers of employment for all positions shall be contingent upon successful passage of a district-required drug test. The district will require drug tests for safety-sensitive positions and positions in which the person is responsible for students' safety and security. The district will designate when and where such testing will be conducted.

Preemployment drug testing shall be required for all successful applicants for positions with the district. The district will determine the type of drug test and where the test is to be conducted. All tests will be conducted at a Department of Health and Human Services (DHHS) certified laboratory. The district will determine the preemployment drug testing service provider. The district will pay for preemployment drug testing expenses. A positive test result will be confirmed by using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis. Applicants who test positive will **not** be hired.

Information the district receives regarding medical examinations and drug testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 657.176](#)

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. Sections 31301-31317; 49 CFR Parts 40, 382 and 391-395 (2000).

Based on Lanier - "Safety sensitive" may also include positions that have heavy student contact and in loco parentis responsibility (e.g. teachers, administrators, paraprofessionals).