

Pre-Employment Drug Testing

Purpose

This procedure sets forth a process the district will use to ensure that candidates for employment in the district are not using illegal drugs.

Definition

1. An “applicant” is any person who has filed an application for employment with the district for a safety-sensitive position (e.g., bus driver, heavy machinery operator) or a position in which the person is responsible for students’ safety and security.¹
2. A “candidate” is any applicant who has been selected for employment for a safety-sensitive position (e.g., bus driver, heavy machinery operator) or a position in which the person is responsible for students’ safety and security pending results of the criminal records check and the screening test for illegal drugs.
3. “Illegal drugs” means any mind-altering substance or narcotic, the use of which violates the law, including but not limited to, hallucinogenics, amphetamines, barbiturates, marijuana and cocaine.
4. An “approved drug treatment program” means any inpatient or outpatient treatment program recognized and approved by the Mental Health and Developmental Disability Services Division of the Department of Human Services, state of Oregon.

Procedure

1. The statement that screening test(s) for illegal drugs are a part of the district’s employment process, and that satisfactory completion of such tests is a prerequisite of employment for a safety-sensitive position (e.g., bus driver, heavy machinery operator) or a position in which the person is responsible for students’ safety and security, is posted in the district office and included as a part of the application packet. Also, included in the application packet is the Consent for Pre-employment Drug Testing and Release of Information forms.
2. Candidates will be offered employment contingent upon the successful completion of a negative screening test(s) for illegal drugs.
3. The personnel office will schedule an appointment for the candidate with the district-selected laboratory at a designated medical site.

¹Based on Lanier decision - “Safety sensitive” may also include positions that have heavy student contact and in loco parentis responsibility (e.g., teacher, a administrator, paraprofessional).

4. Ordinarily, a candidate must report to the district-selected physician/laboratory to conduct the pre-employment screening for illegal drugs within 24 hours following the offer of employment or the district may withdraw the job offer.
5. The physician or laboratory that performs the screening test(s) for illegal drugs for the district will be required to provide written assurance that the following standards will be maintained:
 - a. Use reliable testing protocols and procedures, establish screening cut-off levels for illegal drugs consistent with community standards, and protect the confidentiality of information obtained from the screening test(s) to the extent possible consistent with these procedures.
 - b. Secure the candidate's written consent to perform the pre-employment screening test(s) for illegal drugs.
 - c. Perform screening test(s) for illegal drugs prior to proceeding with other pre-employment requirements.
 - d. Verify all positive screening test(s) for illegal drugs by interviewing the candidate for possible explanation, and by contacting the prescribing physician or pharmacy, as appropriate.
 - e. The testing lab will provide written results to the district's personnel office within two days following screening.
6. The personnel office will notify the candidate in writing of the results of the screening test(s) for illegal drugs.
 - a. Candidates who question the accuracy of a positive result of the screening test(s) for illegal drugs may request that the procedure be repeated. The original specimen will be used for retesting. Requests for retesting must be submitted in writing to the personnel department within two working days of notification of a positive test result.
 - b. The candidate will pay for the cost of the original or subsequent test(s). However, the candidate may ask that the cost be deducted from the employee's first paycheck. The district will be responsible for the test(s) of those candidates who are denied employment based on test results.
 - c. The district will withdraw an offer of regular or substitute employment for a candidate who either has tested positive for illegal drugs or otherwise does not successfully complete the district's drug screen. The unsuccessful candidate will not be considered for employment in the district for a period of 180 calendar days from the date of the district's drug screen.

Should a candidate who has tested positive for illegal drugs desire to apply for future employment opportunities with the district, s/he must provide evidence of current enrollment in, or completion of, an approved drug treatment program. If the candidate is enrolled in an approved drug treatment program at the time employment is offered, the candidate will be required, as a condition of employment, to provide an expected completion date and subsequent proof of successful program completion. Additionally, the candidate must successfully complete the screening test(s) for illegal drugs administered by a district-selected physician/laboratory at an approved medical site to determine that the individual is not currently engaging in the illegal use of drugs at the time employment is offered.

7. If the results of the screening test(s) for illegal drugs are satisfactory, the candidate will be invited to return to the personnel office to complete all prerequisite employment forms.