

Multnomah Education Service District

Code: **GBEDA-AR**
Adopted: 12/14/09
Readopted: 11/28/11

Drug and Alcohol Testing - Transportation Personnel

MESD 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 refer to controlled substances covered by OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered individuals offered employment with MESD and MESD 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 post-accident alcohol and drug testing. Return-to-duty and follow-up testing may also be required.

Preemployment drug testing costs will be paid for by MESD. All drug and alcohol testing of MESD employees, including reasonable suspicion, random, post-accident, return-to-duty and follow-up testing costs, as applicable, will be paid for by MESD.

All offers of employment or transfer to covered positions with MESD 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 The offer of employment or transfer will be immediately withdrawn.

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

An offer of employment or transfer will also be immediately withdrawn from any individual who refuses drug testing.

Covered employees who, under MESD's reasonable suspicion, random, post-accident, 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.