

Medical Examinations/Drug Testing

Preemployment drug testing shall be required for all new applicants having been offered regular employment with the district. The district may withdraw an offer of employment should the drug test reveal that the individual does not satisfy district employment criteria or if the person refuses to be drug tested. Licensed substitute teachers and periodically-hired classified position substitutes are exempt from this requirement.

District-required preemployment drug testing expenses will be paid by the applicant. The cost of the drug test shall be paid by the candidate and reimbursed by the district upon receipt of negative drug test results. The district will not reimburse individuals who test positive for drugs. The offer of employment will be withdrawn from candidates who test positive for drugs.

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

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

Medical examinations will be conducted by a health-care professional approved by the district. District-required medical examination expenses will be paid by the individual.

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 are 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.

Information the district receives regarding drug testing and medical examinations 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. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2006).
Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).