

# Newberg School District 29J

Code: **GBEDA**  
Adopted: 8/7/95  
Readopted: 12/11/06  
Orig. Code(s): 3125

## **Drug and Alcohol Testing – Transportation Personnel**

The district is committed to the establishment of a drug and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991.

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 any level of alcohol in the system during the employee's work period.

"Drugs" as used in this policy refer to controlled substances as covered by the Omnibus Act, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered applicants and employees shall be subjected to pre-employment/pre-duty drug and alcohol testing, including reasonable suspicion, random, and post-accident testing. Return to duty and follow-up testing may also be required.

Pre-employment drug and alcohol testing costs shall be paid for by the district. All current employee drug and alcohol testing, including reasonable suspicion, random, and post-accident testing costs, shall be paid for by the district. The district shall comply with collective bargaining agreement provisions.

All offers of employment with the district shall be made contingent upon testing results. An applicant who tests positive shall not be hired.

Applicants who refuse drug and alcohol testing shall be terminated from employment consideration immediately.

Current employees who test positive shall be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy. Employees who test positive shall be notified of available resources for evaluation and treatment. Additionally, employees may be subject to CDL prohibitions and penalties under the Omnibus Act and applicable Federal Motor Carrier Safety Regulations.

Current employees who refuse to comply with testing requirements shall be regarded as testing positive.

END OF POLICY

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**Legal Reference(s):**

[ORS 657.176](#)

[OAR 581-053-0015\(7\)\(u\)](#)

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):**

GCBD/GDBD - Leaves and Absences