

Medical Examinations/Drug Testing

An applicant for a position in the district may be required to pass a medical examination 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. Such examination shall be conducted by a physician selected by the district. District-required 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 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.

Offers of employment for certain positions shall be contingent upon successful passage of a drug test for positions which require drug testing. The district will require drug tests for safety-sensitive positions (e. bus drivers, heavy equipment operators) and positions in which the person is responsible for students' safety and security¹. The district will designate when and where such testing will be conducted. Offers of employment will be withdrawn from candidates who test positive for drugs or adulterate or substitute a specimen during the drug test collection process. A diluted sample could result in a required re-test. The district will pay drug test related costs.

¹Based on Lanier – "Safety sensitive" may also include positions that have heavy student contact and in loco parentis responsibility (e.g. teachers, administrators, paraprofessionals).

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.

The principal or immediate supervisor shall bring to the attention of the Human Resources Department any cases where there is question about an employee's ability to perform job requirements because of physical or mental health problems. Such employees may be required by the Human Resources Department to submit to an examination by a physician or psychiatrist selected by the district.

Any employee who has been absent from duty because of illness or other reasons and who, in the judgment of the supervisor, does not appear able to resume service may be required by the Director of Human Resources, upon recommendation of the supervisor, to submit to a health examination by a physician or psychiatrist selected by the district.

Any employee absent on sick leave in excess of five consecutive work days may be required by the Director of Human Resources to submit a certificate from the employee's attending physician/practitioner that the illness or injury prevents the employee from working. The district reserves the right to require a second examination by a physician of its choice to confirm the opinion of the employee's physician. A return to work verification shall be provided by the employee from his/her physician following such a leave.

Where the district has requested a medical examination, a written report of the medical examination shall be forwarded to the district by the physician or psychiatrist and shall be kept confidential, with access governed by Board policy concerning personnel records. Medical information will be kept in a separate file from personnel records.

Any employee required to submit to a physical or psychiatric examination by a medical advisor selected by the district may submit a report from his/her private physician on the same subject for consideration of the Human Resources Department.

Any district employee suspected or diagnosed with a communicable/infectious disease will be excluded from work by the school principal or immediate supervisor.

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).

Cross Reference(s):

GCC - Recruitment of Licensed Staff

GDC - Recruitment of Classified Staff

Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).