



Drug and Alcohol Testing - Transportation Personnel

Prohibited Activities

Prohibited activities related to this policy are:

1. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration at or in excess of standards set by the Federal Highway Administration (FHWA).

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. Being on duty or operating a commercial vehicle while the driver possesses alcohol;
3. Using alcohol while on duty;
4. Possessing alcohol or illegal drugs while on duty;
5. Using alcohol within eight hours of an accident or before a post-accident test is given, whichever occurs first;
 - a. Eight hours following an accident;
 - b. Consumption resulting in prohibited levels of alcohol in the system.
6. Refusing to submit to a required alcohol or drug test;
7. Using or being under the influence of alcohol (as defined in #1.) within eight hours of going on duty, operating or having physical control of a commercial vehicle;
8. Reporting for or remaining on duty when using any controlled substance, unless instructed by a physician who has advised the driver and the district that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle; and
9. Reporting for duty, remaining on duty or driving if the driver tests positive for controlled substances.

Testing Requirements

In addition to prohibiting the above conduct, this policy provides for the following testing requirements:

1. Pre-employment Testing for prospective CDL drivers, whether a new hire or an in-district transfer;

2. Random Testing of 10 percent of CDL drivers for alcohol immediately prior to or immediately after their shifts and testing of 50 percent of CDL drivers for controlled substances;
3. Reasonable Suspicion Testing based on specific, contemporaneous and articulable observations by a trained district supervisor;
4. Post-Accident Testing based on federal rules defining an accident as an incident involving a fatality or when a CDL driver is given a citation for a moving violation;
5. Post-Incident Testing based on involvement in a mishap or minor accident, that does not rise to the federal definition of accident, but which results in injury or property damage.
6. Return-to-Duty Testing requiring a negative test result for an employee who has engaged in prohibited drug or alcohol related conduct and has been returned to employment following a required evaluation by a substance abuse professional (SAP) and undergone any treatment recommended by the SAP; and
7. Follow-up Testing for a driver who has violated federal program provisions but has been returned to work (unannounced drug and/or alcohol tests at a minimum of six within a 12 month period).

Professional Assistance to District

The administration will maintain a professional firm or organization to take the following steps related to this policy:

1. Alcohol testing;
2. Drug testing;
3. Random selection of employees tested;
4. Collection site management and/or contract assistance for such sites;
5. Substance Abuse Professional (SAP) services assistance (or referral assistance);
6. Medical Review Officer (MRO) verification;
7. Blind proficiency testing;
8. Data management; and
9. Legally defensible records management.

This policy does not restrict the district's right to use other existing discipline procedures and policies to deal with a CDL employee or other employee regarding the misuse of alcohol or drugs.

District Response to Positive Test Results

Upon receiving positive test results, the district shall do the following:

1. Remove the employee from duty immediately;
2. Give the employee, at his/her request, the opportunity for retesting at his/her own cost (see testing procedures below). The district will verify that this offer has been made by the MRO;
3. An employee receiving a positive test result at or above allowable levels, which cannot be reasonably explained and excused by the MRO, shall be required to undergo, at his/her own expense, a medical evaluation for alcohol or drug abuse. Refusal to do so shall be cause for immediate dismissal;
4. Give the employee a list of local assistance/treatment programs;
5. Require the employee to pass back-to-work testing before reinstatement;
6. An employee who has not been terminated but has been identified by appropriate medical evaluation to have a need for drug or alcohol rehabilitation, shall have all appropriate rights under the Americans with Disabilities Act (ADA);
7. An employee returned to work after a positive test result who subsequently has a second positive result which cannot be medically cleared, shall be immediately terminated from employment with the district.

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

Testing Procedures and Levels Results

Alcohol (breath test)

1. Below 0.02% equals a negative result.
2. 0.02% - 0.04% requires immediate retesting. If the same level is confirmed, the employee shall be removed from duty for 24 hours and be retested before returning to duty.
3. 0.04% or greater, the employee shall be immediately retested. If the same level is confirmed, the district shall take appropriate action for a positive test result.

Drugs (urinalysis)

1. A negative test result is equal to no inappropriate drug use.
2. A positive test result requires the following:

- a. The employee may request retesting (of the original split specimen) by a separate lab at his/her own expense.
- b. If the employee does not request a 2nd test, the district shall take appropriate action based on a positive test result.
- c. If a retest is negative, the employee shall be deemed to have not had a positive test.
- d. If the retest is also positive, the district shall take appropriate action based on a positive test result.

“Drugs” as used in this policy refers to controlled substances covered by the (OTETA), including marijuana, cocaine, opiates, amphetamines and phenocyclidine (PCP). The district may elect to allow an individual who tests positive for drugs to reapply for district 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 district employee considered for transfer to an OTETA-covered position who tests positive for drugs will be subject to all district policies and regulations including the district’s Drug-Free Workplace policy.