

**Warrenton Hammond
School District 30**

Code: **GBEDA**
Adopted: 3/11/96
Revised/Readopted: 12/14/10; 2/11/14
Orig. Code(s): GBEDA

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. The district or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education.

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 refers to controlled substances covered by the Omnibus Act, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

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

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. All current employee drug and alcohol testing including reasonable suspicion, random and post-accident, return-to-duty and follow-up testing costs, as applicable, will be paid for by the district.

All offers of employment or transfers to covered positions with the district will be made contingent upon testing results. An applicant who tests positive will not be hired or transferred. The offer of employment or transfer will be immediately withdrawn.

Current employees who test positive will be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy. Employees who test positive will 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.

An offer of employment or transfer will also be immediately withdrawn from any individual who refuses drug testing.

Covered employees who, under the district's reasonable suspicion, random, postaccident, 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.

The superintendent is directed to establish and implement procedures for conducting tests and administering the provisions of this policy.

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)

[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)

[OAR 581-053-0620\(1\)\(d\)](#)

[OAR 581-053-0220\(3\)\(h\)](#)

[OAR 581-053-0430\(13\),\(14\)](#)

SB 193 (2013)

[OAR 581-053-0230\(9\)\(t\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)

[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)

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):

EEACA - School Bus Driver Examination and Training