

Nestucca Valley School District 101J

Code: **GBEDA**
Adopted: 11/13/95
Readopted: 2/07/11
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 (OTETA).

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;
 - 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 as covered by the Omnibus Act, including marijuana, cocaine, opiates, amphetamines and phenocyclidine (PCP).

All covered individuals offered employment with the district and district employees transferring to positions subject to OTETA shall be required to submit to pre-employment drug testing. Additionally, covered employees will be subject to reasonable suspicion, random and post-accident alcohol and drug testing. Return to duty and follow up testing may also be required.

Responsibility for costs for all current employee testing including pre-employment, reasonable suspicion, random and post-accident testing, will be borne by the district as outlined in the Administrative Rules which accompany the policy. Costs for return to duty testing, follow-up testing, and second tests when positive are borne by the employee.

All offers of employment or transfer to covered positions with the district will be made contingent upon testing results. An individual who tests positive for drugs will not be hired or transferred¹. The offer of employment or transfer will be immediately withdrawn.

An offer of employment or transfer will also be immediately withdrawn from any individual who refuses drug testing.

¹The 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.

Current employees who, under the district's reasonable suspicion random, post-accident, 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. Employees who test positive will be notified of referral services. 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 will be regarded as testing positive.

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)

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

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